

Government of His Highness the Maharaja of Mysore

LEGISLATIVE DEPARTMENT

THE
MYSORE CODE

VOLUME VII

CONTAINING THE REGULATIONS PASSED DURING THE
YEARS 1924 TO 1928 INCLUSIVE

WITH

A CHRONOLOGICAL TABLE OF CONTENTS AND INDEX



BANGALORE:
PRINTED AT THE GOVERNMENT PRESS
1930

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REGULATION I OF 1924.

*(Received the assent of His Highness the Maharaja
on the 7th day of April 1924.)*

Regulation further to amend the Mysore Court Fees Regulation 1900.

Whereas it is expedient further to amend the Mysore Court Fees Regulation 1900, His Highness the Maharaja is pleased to enact as follows:—

1. After Section 2 of the Regulation, the following new section shall be inserted, *viz.*, Insertion of a
new section
2 A.

“ 2 A. ‘ Chief Controlling Revenue Authority ’ means the Government or such officer as the Government may, by notification in the official gazette, appoint in this behalf.”

2. In article 7 of the second schedule for the words “ Memorandum of appeal ” occurring in the first column the following words shall be substituted, *viz.*, Amendment
of article 7,
Schedule II.

“ Memorandum of Appeal when the appeal is from an order, inclusive of an order determining any question under Section 47 or Section 144 of the Code of Civil Procedure, 1911, and is presented.”

3. Section 13 of the Succession Certificate Regulation, 1901, is hereby repealed. Repeal of Sec-
tion 13 of
Regulation
VII of 1901

REGULATION I OF 1925.

*(Received the assent of His Highness the Maharaja
on the 14th day of May 1925.)*

**Regulation to further amend the Mysore University
Regulation, 1916.**

Whereas it is expedient to further amend the Mysore University Regulation, 1916, His Highness the Maharaja is pleased to enact as follows :—

In sub-clause (e) of clause (4) of Section 9 of the Mysore University Regulation, 1916, for the words “six members by the faculties” the words “two members by each of the faculties” shall be substituted.

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*(Received the assent of His Highness the Maharaja
on the 7th day of July 1925.)*

A Regulation to amend the Law relating to the Protection of Patents and Designs.

Whereas it is expedient to amend the law relating to the protection of patents and designs; His Highness the Maharaja is pleased to enact as follows:—

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Patents and Designs Regulation, 1925.

Short title
extent and
commence-
ment.

(2) It extends to the whole of Mysore, and

(3) It shall come into force after the expiry of three months from the date of the passing thereof.

2. In this Regulation unless there is anything repugnant in the subject or context:—

Definitions.

(1) "article" means (as respects designs) any article of manufacture and any substance, artificial or natural, or partly artificial and partly natural:

(2) "Controller" means the Controller of Patents and Designs appointed under this Regulation:

(3) "copyright" means the exclusive right to apply a design to any article in any class in which the design is registered:

(4) "design" means any design applicable to any article, whether the design is applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two, or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical or chemical, separate or combined, but does not include any trade or property mark as defined in sections 478 and 479 of the Indian Penal Code:

(5) "District Court" has the meaning assigned to that expression by the Code of Civil Procedure, 1911:

(6) "invention" means any manner of new manufacture and includes an improvement and an alleged invention:

(7) "legal representative" means a person who in law represents the estate of a deceased person:

(8) "manufacture" includes any art. process or manner of producing, preparing or making an article, and also any article prepared or produced by manufacture:

(9) "patent" means a patent granted under the provisions of this Regulation:

(10) "patentee" means the person for the time being entitled to benefit of a patent:

(11) "prescribed" includes prescribed by rules under this Regulation: and

(12) "proprietor of a new and original design,"—

(a) where the author of the design, for good consideration, executes the work for some other person, means the person for whom the design is so executed; and

(b) where any person acquires the design or the right to apply, design to any article, either exclusively of any other person or otherwise, means, in the respect and to the extent in and to which the design or right has been so acquired, the person by whom the design or right is so acquired; and

(c) in any other case, means the author of the design; and where the property in, or the right to apply, the design has devolved from the original proprietor upon any other person includes that other person.

PART I.

PATENTS.

Application for and Grant of Patent.

Application.

3. (1) An application for a patent may be made by any person whether he is a subject of His Highness the Maharaja of Mysore or not, and whether alone or jointly with any other person.

(2) The application must be made in the prescribed form and must be left at the Patent Office in the prescribed manner.

(3) The application must contain a declaration to the effect that the applicant is in possession of an invention, whereof he, or in the case of a joint application one at least of the applicants, claims to be the true and first inventor or the legal representative or assign of such inventor and for which he desires to obtain a patent, and must be accompanied by a specification and by the prescribed fee.

(4) Where the true and first inventor is not a party to the application, the application must contain a statement of his name, and such particulars for his identification as may be prescribed, and the applicant must show that he is the legal representative or assign of such inventor.

4. (1) The specification must particularly describe and ascertain the nature of the invention and the manner in which the same is to be performed. Specification.

(2) Where the Controller deems it desirable, he may require that suitable drawings shall be supplied with the specification, or at any time before the acceptance of the application, and such drawings shall be deemed to form part of the specification.

(3) The specification must commence with the title, and must end with a distinct statement of the invention claimed.

(4) If in any particular case the Controller considers that an application should be further supplemented by a model or sample of anything illustrating the invention or alleged to constitute an invention, such model or sample as he may require shall be furnished before the acceptance of the application, but such model or sample shall not be deemed to form part of the specification.

5. (1) The Controller shall examine every application, and if he considers that— Proceedings
upon appli-
cation.

(a) the nature of the invention is not fairly described, or

(b) the application, specification and drawings have not been prepared in the prescribed manner or relate to more than one invention, or

(c) the title does not sufficiently indicate the subject matter of the invention, or

(d) the statement of claim does not sufficiently define the invention, or

(e) the invention as described and claimed is *prima facie* not a new manufacture or improvement, he may refuse to accept the application or require that the application, specification or drawings be amended before he proceeds with the application; and in the latter case the application shall, if the controller so directs, bear date as from the time when the requirement is complied with.

(2) Where the Controller refuses to accept an application or requires an amendment, the applicant may appeal from his decision to the Government.

(3) The investigations required by this section shall not be held in any way to guarantee the validity of any patent, and no liability shall be incurred by the Government or any officer by reason of, or in connection with, any such investigation, or any proceeding consequent thereon.

(4) Unless an application is accepted within twelve months from the date of the application, the application shall (except where an appeal has been lodged) become void:

Provided that where an application is made for an extension of time for the acceptance of an application, the Controller shall, on payment of the prescribed fee, grant an extension of time to the extent applied for but not exceeding three months.

Advertise-
ment on
acceptance of
application.

6. On the acceptance of an application the Controller shall give notice thereof to the applicant and shall advertise the acceptance; and the application and specification with the drawings (if any) shall be open to public inspection.

Use of inven-
tion on
acceptance
of applica-
tion.

7. Where an application for a patent in respect of an invention has been accepted, any use or publication of the invention during the period between the date of application and the date of sealing such patent shall not prejudice the patent to be granted for the invention:

Provided that an applicant shall not be entitled to institute any proceedings for infringement unless and until a patent for the invention has been granted to him.

Inquiry
before sealing
patent.

8. After acceptance of an application and before sealing a patent the Controller shall, if he thinks it advisable or is directed by the Government so to do, refer the specification for inquiry and report to any person whom he thinks fit.

9. (1) Any person may, on payment of the prescribed fee, at any time within three months from the date of the advertisement of the acceptance of an application, give notice at the Patent Office of opposition to the grant of the patent on any of the following grounds, namely:—

Opposition
to grant of
patent.

(a) that the applicant obtained the invention from him, or from a person of whom he is the legal representative or assign; or

(b) that the invention has been claimed in any specification filed in Mysore which is or will be of prior date to the patent, the grant of which is opposed; or

(c) that the nature of the invention or the manner in which it is to be performed is not sufficiently or fairly described and ascertained in the specification; or

(d) that the invention has been publicly used in any part of Mysore or has been made publicly known in any part of Mysore;
but on no other ground.

(2) Where such notice is given, the Controller shall give notice of the opposition to the applicant, and shall, on the expiration of those three months, after hearing the applicant and the opponent, if desirous of being heard, decide on the case.

(3) The decision of the Controller shall be subject to appeal to the Government.

10. (1) If there is no opposition, or, in case of opposition, if the determination is in favour of the grant of a patent, a patent shall, on payment of the prescribed fee, be granted, subject to such conditions (if any) as the Government thinks expedient, to the applicant, or in the case of a joint application to the applicants jointly, and the Controller shall cause the patent to be sealed with the seal of the Patent Office.

Grant and
sealing of
patent.

(2) A patent shall be sealed as soon as may be, and not after the expiration of eighteen months from the date of application:

Provided that,—

(a) where the Controller has allowed an extension of the time within which an application may be accepted, a further extension of four months after the said eighteen months shall be allowed for the sealing of the patent;

(b) where the sealing is delayed by an appeal to the Government or by a reference under section 8, or by opposition to the grant of the patent, the patent may be sealed at such time as the Controller may direct;

(c) where the patent is granted to the legal representative of an applicant who has died before the expiration of the time which would otherwise be allowed for sealing the patent, the patent may be sealed at any time within twelve months after the date of his death ;

(d) where in consequence of the neglect or failure of the applicant to pay any fee a patent cannot be sealed within the period allowed by this section, that period may, on payment of the prescribed fee and on compliance with the prescribed conditions, be extended to such an extent as may be prescribed.

Date of
patent.

11. Except as otherwise expressly provided by this Regulation, a patent shall be dated and sealed as of the date of the application :

Provided that no proceeding shall be taken in respect of an infringement committed before the publication of the specification.

Effect, extent
and form of
patent.

12. (1) A patent sealed with the seal of the Patent Office shall, subject to the other provisions of this Regulation, confer on the patentee the exclusive privilege of making, selling and using the invention throughout Mysore and of authorizing others so to do.

(2) Every patent may be in the prescribed form and shall be granted for one invention only, but the specification may contain more than one claim ; and it shall not be competent for any person in a suit or other proceeding to take any objection to a patent on the ground that it has been granted for more than one invention.

Fraudulent
applications
for patents.

13. (1) A patent granted to the true and first inventor or his legal representative or assign shall not be invalidated by an application in fraud of him, or by protection obtained thereon or by any use or publication of the invention subsequent to that fraudulent application during the period of protection.

(2) Where a patent has been revoked on the ground of fraud or on any other ground, the Controller may on the application of the true inventor or his legal representative or assign made in accordance with the provisions of this Regulation, grant to him a patent in lieu of and bearing the same date as the patent so revoked, for any invention comprised in the revoked patent to which he was entitled :

Provided that no suit shall be brought for any infringement of the patent so granted committed before the actual date when such patent was granted.

Term of patent.

14. (1) The term limited in every patent for the duration thereof shall, save as otherwise expressly provided by this Regulation, be fourteen years from its date. Term of patent.

(2) A patent shall, notwithstanding anything therein or in this Regulation, cease if the patentee fails to pay the prescribed fees within the prescribed times :

Provided that the Controller, upon the application of the patentee, shall, on receipt of such additional fee as may be prescribed, enlarge the time to such an extent as may be applied for but not exceeding three months.

(3) If any proceeding is taken in respect of an infringement of the patent committed after a failure to pay any fee within the prescribed time and before any enlargement thereof, the Court before which the proceeding is taken may, if it thinks fit, refuse to award any damages in respect of such infringement.

15. (1) A patentee may, after advertising in the prescribed manner his intention to do so, present a petition to the Government praying that his patent may be extended for a further term ; but such petition must be left at the Patent Office at least six months before the time limited for the expiration of the patent and must be accompanied by the prescribed fee. Extension of term of patent.

(2) Any person may give notice to the Controller of objection to the extension.

(3) Where a petition is presented under sub-section (1), the Government may, as it thinks fit, dispose of the petition or refer it to the Chief Court for decision.

(4) If the petition be referred to the Chief Court, then on the hearing of such petition under this section the patentee, and any person who has given notice under sub-section (2) of objection, shall be made parties to the proceeding, and the Controller shall be entitled to appear and be heard.

(5) The Court to which the petition is referred shall, in considering its decision, have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case.

(6) If it appears to the Government or to the Chief Court when the petition has been referred to it, that the patentee has been inadequately remunerated by his patent, the Government or the Chief Court, as the case may be,

may by order extend the term of the patent for a further term not exceeding seven, or, in exceptional cases, fourteen years, or may order the grant of a new patent for such term as may be specified in the order and subject to the payment of such fees as may be prescribed and containing any restriction, conditions and provisions which the Government or the Chief Court, as the case may be, may think fit :

Provided that any patent so extended or granted shall, notwithstanding anything therein, or in this Regulation, cease if the inventor fails to pay before the expiration of each year the prescribed fee.

Restoration
of lapsed
patent.

16. (1) Where any patent has ceased owing to the failure of the patentee to pay any prescribed fee within the prescribed time, the patentee may apply to the Controller in the prescribed manner for an order for the restoration of the patent.

(2) Every such application shall contain a statement of the circumstances which have led to the omission of the payment of the prescribed fee.

(3) If it appears from such statement that the omission was unintentional or unavoidable and that no undue delay has occurred in the making of the application, the Controller shall advertise the application in the prescribed manner, and within such time as may be prescribed any person may give notice of opposition at the Patent Office.

(4) Where such notice is given, the Controller shall notify the applicant thereof.

(5) After the expiration of the prescribed period, the Controller shall hear the case and, subject to an appeal to the Government, issue an order either restoring the patent subject to any conditions and restriction deemed to be advisable or dismissing the application :

Provided that in every order under this section restoring a patent such provisions as may be prescribed shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent after the patent had ceased.

Amendment of Application or Specification.

Amendment
of application
or specifica-
tion by Con-
troller.

17. (1) An applicant or a patentee may at any time, by request in writing left at the Patent Office and accompanied by the prescribed fee, seek leave to amend his

application or specification, including drawings forming part thereof, by way of disclaimer, correction or explanation stating the nature of, and the reasons for, the proposed amendment.

(2) If the application for a patent has not been accepted, the Controller shall determine whether and subject to what conditions (if any), the amendment shall be allowed.

(3) In any other case the request and the nature of the proposed amendment shall be advertised in the prescribed manner, and at any time within three months from its first advertisement any person may give notice at the Patent Office of opposition to the amendment.

(4) Where such a notice is given, the Controller shall give notice of the opposition to the person making the request, and shall hear and decide the case.

(5) Where no notice of opposition is given, or the person so giving notice of opposition does not appear, the Controller shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(6) The decision of the Controller in either case shall be subject to an appeal to the Government.

(7) No amendment shall be allowed that would make the application or specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the application or specification as it stood before amendment.

(8) Leave to amend shall be conclusive as to the right of the party to make the amendment allowed, except in case of fraud; and the amendment shall be advertised in the prescribed manner, and shall in all Courts and for all purposes be deemed to form part of the application or specification.

(9) This section shall not apply when and so long as any suit for infringement or proceeding before a Court for the revocation of the patent is pending.

18. In any suit for infringement of a patent or proceeding before a Court for the revocation of a patent, the Court may by order allow the patentee to amend his specification by way of disclaimer in such manner, and subject to such terms as to costs, advertisement or otherwise, as the Court may think fit:

Amendment
of specifica-
tion by the
Court.

Provided that no amendment shall be so allowed that would make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before the amendment, and where an application for such an order is made to the Court notice of the application shall be given to the Controller, and the Controller shall have the right to appear and be heard.

Restriction
on recovery
of damages.

19. Where an amendment of a specification by way of disclaimer, correction or explanation has been allowed under this Regulation, no damages shall be given in any suit in respect of the use of the invention before the disclaimer, correction or explanation, unless the patentee establishes to the satisfaction of the Court that his original claim was framed in good faith and with reasonable skill and knowledge.

Register of Patents.

Register of
Patents.

20. (1) There shall be kept at the Patent Office a book called the Register of Patents, wherein shall be entered the names and addresses of grantees of patents, notifications of assignments and of transmissions of patents, of licenses under patents and of amendments, extensions, and revocations of patents, and such other matters affecting the validity or proprietorship of patents as may be prescribed.

(2) The register of inventions and address book existing at the commencement of this Regulation shall be incorporated with, and form part of, the register of patents under this Regulation.

(3) The register of patents shall be *prima facie* evidence of any matters by this Regulation directed or authorised to be inserted therein.

(4) Copies of deeds, licenses and any other documents affecting the proprietorship in any patent or in any license thereunder, must be supplied to the Controller in the prescribed manner for filing in the Patent Office, and, unless such copies have been so supplied, such deeds, licenses or other documents shall not be received as evidence of any transaction affecting a patent.

Patent to
bind
Government.

21. Subject to any conditions which the Government may have imposed, a patent shall have to all intents the like effect as against the Government of Mysore as it has against the subject :

Provided that the officers or authorities administering any department of the service of the Government may, by themselves, their agents, contractors or others, at any time after the application, use the invention for the services of the Government on such terms as may, either before or after the use thereof, be agreed on, with the approval of the Government between those officers or authorities and the patentee, or, in default of agreement, as may be settled by the Government of Mysore after hearing all parties interested.

Compulsory licenses and Revocation.

22. (1) Any person interested may present a petition to the Government which shall be left at the Patent Office, together with the prescribed fee, alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, and praying for the grant of a compulsory license, or in the alternative, for the revocation of the patent.

Compulsory
licenses and
revocation.

(2) The Government shall consider the petition, and if the parties do not come to an arrangement between themselves the Government may, as it thinks fit, either dispose of the petition or refer it to the Chief Court for decision.

(3) The provisions of sub-section (4) of Section 15, prescribing the procedure to be followed in the case of references to the Court under that section shall apply in the case of references made to the Court under this section.

(4) If the Government is of opinion, or where reference has been made under sub-section (2) to the Chief Court that Court finds, that the reasonable requirements of the public with reference to the patented invention have not been satisfied the patentee may be ordered to grant licenses on such terms as the Government or the Chief Court, as the case may be, may think just, or, if the Government or the Chief Court is of opinion that the reasonable requirements of the public will not be satisfied by the grant of the licenses, the patent may be revoked by order of the Government or the Chief Court:

Provided that an order of revocation shall not be made before the expiration of four years from the date of the patent, or if the patentee gives satisfactory reasons for his default.

(5) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied—

(a) If by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms the patented article, or any parts thereof which are necessary for its efficient working, or to carry on the patented process to an adequate extent or to grant licenses on reasonable terms, any existing trade or industry or the establishment of any new trade or industry in Mysore is unfairly prejudiced, or the demand for the patented article or the article produced by the patented process is not reasonably met; or

(b) If any trade or industry in Mysore is unfairly prejudiced by the conditions attached by the patentee before or after the commencement of this Regulation to the purchase, hire or use of the patented article or to the using or working of the patented process.

(6) An order of the Government or of the Chief Court directing the grant of any license under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a license and made between the parties to the proceeding.

Revocation
of patents
worked
outside
Mysore.

23. (1) At any time not less than four years after the date of a patent granted under this Regulation, any person may apply to the Government for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the territories of Mysore.

(2) The Government shall consider the application, and if after inquiry, it is satisfied—

(a) that the allegations contained therein are correct; and

(b) that the applicant is prepared, and is in a position, to manufacture or carry on the patented article or process in Mysore; and

(c) that the patentee refuses to grant a license on reasonable terms, then, subject to the provisions of this section, and unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in Mysore, or gives satisfactory reasons why the article or

process is not so manufactured or carried on, the Government may make an order revoking the patent either—

- (i) forthwith; or
- (ii) after such reasonable interval as may be specified in the order, unless in the meantime it is shown to the satisfaction that the patented article or process is manufactured or carried on within Mysore to an adequate extent.

(3) No order revoking a patent shall be made under the last sub-section which is at variance with any treaty, convention, arrangement or engagement with any foreign country or British possession.

(4) The Government may, on the application of the patentee, extend the time limited in any order made under sub-section (2), clause (ii), for such period not extending two years as he may specify in a subsequent order or revoke any order made under sub-section (2), clause (ii), or any subsequent order if sufficient cause is in his opinion shown by the patentee.

24. A patentee may at any time, by giving notice in the prescribed manner to the Controller, offer to surrender his patent, and the Controller may, if after giving notice of the offer and hearing all parties who desire to be heard he thinks fit, accept the offer, and thereupon make an order for the revocation of the patent.

Power of
Controller to
revoke
surrendered
patent.

25. A patent shall be deemed to be revoked if the Government declares, by notification in the Official Gazette, the patent or the mode in which it is exercised to be mischievous to the State or generally prejudicial to the public.

Revocation
of patent
on public
grounds.

Legal Proceedings.

26. (1) Revocation of a patent in whole or in part may be obtained on petition to the Chief Court on all or any of the following grounds, namely:—

Petition for
revocation
of patent.

(a) that any invention included in the statement of claim is of no utility;

(b) that any invention included in the statement of claim was not, at the date of the application for a patent, a new invention within the meaning of this Regulation;

(c) that the applicant was not the true and first inventor thereof or the assign or legal representative of such inventor thereof;

(d) that the original or any amended application or specification does not fulfil the requirements of this Regulation;

(e) that the applicant has knowingly or fraudulently included in the application for a patent or in the original or any amended specification, as his invention, something which was not new or whereof he was neither the inventor nor the assign nor the legal representative of such inventor;

(f) that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a wilful or fraudulent misstatement;

(g) that a part of the invention or the manner in which a part is to be made and used as described in the original or any amended specification, is not thereby sufficiently described and that this insufficiency was fraudulent or is injurious to the public.

(2) A petition for revocation of a patent may be presented—

(a) by the Government Advocate or any person authorised by him; or

(b) by any person alleging—

(i) that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims; or

(ii) that he, or any person under or through whom he claims, was the true and first inventor of any invention included in the claim of the patentee; or

(iii) that he, or any person under or through whom he claims an interest in any trade, business or manufacture, had publicly manufactured, used or sold, within Mysore, before the date of the patent, anything claimed by the patentee as his invention.

(3) The Chief Court may, irrespective of any provisions of the Code of Civil Procedure, 1911, in this behalf, require any person, other than the Government Advocate or any person authorised by him, applying for the revocation of a patent to give security for the payment of all costs incurred or likely to be incurred by any person appearing to oppose the petition.

27. (1) Notice of any petition for revocation of a patent under section 26 shall be served on all persons appearing from the register to be proprietors of that patent or to have shares or interests therein, and it shall not be necessary to serve the notice on any other person.

Notice of
proceedings
to persons
interested.

(2) The notice shall be deemed to be sufficiently served if a copy thereof is sent by post in a registered letter directed to the person and place for the time being stated in the register.

28. (1) The Chief Court may, if it thinks fit, direct an issue for the trial, before itself, or any District Court, of any question arising upon a petition to itself under section 26, and the issue shall be tried accordingly.

Framing
issue for
trial before
other Courts.

(2) If the issue is directed to a District Court, the finding of that Court shall not be subject to appeal, but the evidence taken upon the trial shall be recorded and a copy thereof, certified by the Judge of the Court, shall be transmitted, together with any remarks which he may think fit to make thereon, to the Chief Court, and the Chief Court may thereupon act upon the finding of the District Court, or dispose of the petition upon the evidence recorded, or direct a new trial, as the justice of the case may require.

29. (1) A patentee may institute a suit in a District Court having jurisdiction to try the suit against any person who, during the continuance of a patent acquired by him under this Regulation in respect of an invention makes, sells or uses the invention without his license, or counterfeits it, or imitates it.

Suits for
infringement
of patents

(2) Every ground on which a patent may be revoked under this Regulation shall be available by way of defence to a suit for infringement.

30. A patentee shall not be entitled to recover any damages in respect of any infringement of a patent granted after the commencement of this Regulation from the defendant who proves that at the date of the infringement he was not aware, nor had reasonable means of making himself aware, of the existence of the patent, and making of an article with the word "patent", "patented," or any word or words expressing or implying that a patent has been obtained for the article, stamped, engraved, impressed on, or otherwise applied to the article, shall not be deemed to constitute notice of the existence of the patent unless the word or words are accompanied by the year and number of the patent :

Exemption
of innocent
infringer
from liability
for damages.

Provided that nothing in this section shall affect any proceedings for an injunction.

31. In a suit for infringement of a patent, the Court may, on the application of either party, make such order for an injunction, inspection or account, and impose

Order for
inspection,
etc, in suit.

such terms and give such directions respecting the same and the proceedings thereon, as the Court may see fit.

certificate of
validity ques-
tioned and
costs thereon.

32. In a suit for infringement of a patent, the Court may certify that the validity of the patent came in question, and if the Court so certifies, then in any subsequent suit in that Court for infringement of the same patent the plaintiff, on obtaining a final order or judgment in his favour, shall, unless the Court trying the suit otherwise directs, have his full costs, charges and expenses of and incidental to the said suit properly incurred.

Transmission
of decrees
and orders
to the
Controller.

33. A Court making a decree in a suit under section 29 or an order on a petition under section 26 shall send a copy of the decree or order, as the case may be, to the Controller, who shall cause an entry thereof and reference thereto to be made in the register of patents.

Hearing with
assessor.

34. (1) In a suit or proceeding for infringement or revocation of a patent, the Court may, if it thinks fit, and shall, on the request of either of the parties to the proceedings, call in the aid of an assessor specially qualified, and try the case wholly or partially with his assistance.

(2) A Court exercising appellate jurisdiction in respect of such suit or proceedings may, if it thinks fit, call in the aid of an assessor as aforesaid.

(3) The remuneration, if any, to be paid to an assessor under this section shall in every case be determined by the Court and be paid by it as part of the expenses of the execution of this Regulation.

Remedy in
case of
groundless
threats of
legal proceed-
ings.

35. Where any person claiming to be the patentee of an invention, by circulars, advertisements or otherwise, threatens any other person with any legal proceedings or liability in respect of any alleged infringement of the patent, any person aggrieved thereby may bring a suit against him in a District Court having jurisdiction to try the suit, and may obtain an injunction against the continuance of such threats, and may recover such damage (if any) as he has sustained thereby, if the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats:

Provided that this section shall not apply if the person making such threats with due diligence commences and prosecutes a suit for infringement of this patent.

Miscellaneous.

36. Where, after the commencement of this Regulation a patent is granted to two or more persons jointly, they shall, unless otherwise specified in the patent, be treated for the purpose of the devolution of the legal interest therein as joint tenants, but, subject to any contract to the contrary, each of such persons shall be entitled to use the invention for his own profit without accounting to the others, but shall not be entitled to grant a license without their consent, and, if any such person dies, his beneficial interest in the patent shall devolve on his legal representatives.

Grant of
patents to
two or more
persons.

37. (1) An invention shall be deemed a new invention within the meaning of this Regulation—

Novelty of
invention.

(a) if it has not, before the date of the application for a patent thereon, been publicly used in any part of Mysore, or been made publicly known in any part of Mysore, and

(b) if the inventor has not by secret or experimental user, made direct or indirect profits from his invention in excess of such an amount as the Court or the Government, as the case may be, may, in consideration of all the circumstances of the case, deem reasonable.

(2) The public use or knowledge of an invention before the date of the application for a patent thereon shall not be deemed a public use or knowledge within the meaning of this Regulation if the knowledge has been obtained surreptitiously or in fraud of the true and first inventor, or has been communicated to the public in fraud of such inventor or in breach of confidence:

Provided that such inventor has not acquiesced in the public use of his invention, and that, within six months after the commencement of that use, he applies for a patent.

38. If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the Controller, the Controller may at any time, on payment of the prescribed fee, seal a duplicate thereof.

Loss or de-
struction of
patent.

39. (1) The exhibition of an invention at an industrial or international exhibition, certified as such by the Government, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the

Provisions as
to exhibi-
tions.

use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor to apply for and obtain a patent in respect of the invention or the validity of any patent granted on the application :

Provided that—

(a) the exhibitor, before exhibiting the invention, gives the Controller the prescribed notice of his intention to do so; and

(b) the application for a patent is made before or within six months from the date of the opening of the exhibition.

(2) The Government may, by notification in the official Gazette, apply this section to any exhibition mentioned in the notification in like manner as if it were an industrial or international exhibition certified as such by the Government, and any such notification may provide that the exhibitor shall be relieved from the condition of giving notice to the Controller of his intention to exhibit, and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the notification.

PART II.

DESIGNS.

Registration of Designs.

Application
for registra-
tion of
designs.

40. (1) The Controller may, on the application of any person claiming to be the proprietor of any new or original design not previously published in the territories of Mysore, register the design under this Part.

(2) The application must be made in the prescribed form and must be left at the Patent Office in the prescribed manner and must be accompanied by the prescribed fee.

(3) The same design may be registered in more than one class, and, in case of doubt, as to the class in which a design ought to be registered, the Controller may decide the question.

(4) The Controller may, if he thinks fit, refuse to register any design presented to him for registration; but

any person aggrieved by any such refusal may appeal to the Government.

(5) An application which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable registration to be effected within the prescribed time, shall be deemed to be abandoned.

(6) A design, when registered, shall be registered as of the date of the application for registration.

41. Where a design has been registered in one or more classes of goods, the application of the proprietor of the design to register it in some one or more other classes shall not be refused, nor shall the registration thereof be invalidated—

Registration
of designs in
new classes.

(a) on the ground of the design not being a new and original design, by reason only that it was so previously registered; or

(b) on the ground of the design having been previously published in Mysore by reason only that it has been applied to goods of any class in which it was so previously registered.

42. (1) The Controller shall grant a certificate of registration to the proprietor of the design when registered.

Certificate of
registration.

(2) The Controller may, in case of loss of the original certificate, or in any other case in which he deems it expedient furnish one or more copies of the certificate.

43. (1) There shall be kept at the Patent Office a book called the Register of Designs, wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments and of transmissions of registered designs and such other matters as may be prescribed.

Register of
Designs.

(2) The register of designs existing at the commencement of this Regulation shall be incorporated with and form part of the register of designs under this Regulation.

(3) The register of designs shall be *prima facie* evidence of any matters by this Regulation directed or authorised to be entered therein.

Copyright in Registered Designs.

44. (1) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Regulation, have copyright in the design during five years from the date of registration.

Copyright on
Registration.

(2) If, within the prescribed time before the expiration of the said five years, application for the extension of the period of copyright is made to the Controller in the prescribed manner, the Controller shall, on payment of the prescribed fee, extend the period of copyright for a second period of five years from the expiration of the original period of five years.

(3) If, within the prescribed time before the expiration of such second period of five years, application for the extension of the period of copyright is made to the Controller in the prescribed manner, the Controller may, subject to any rules under this Regulation, on payment of the prescribed fee, extend the period of copyright for a third period of five years from the expiration of the second period of five years.

Requirements
before deli-
very on sale

45. (1) Before delivery on sale of any articles to which a registered design has been applied, the proprietor shall—

(a) (If exact representations or specimens were not furnished on the application for registration) furnish to the Controller the prescribed number of exact representations or specimens of the design; and, if he fails to do so, the Controller may erase his name from the register, and thereupon the copyright in the design shall cease; and

(b) cause each such article to be marked with the prescribed mark, or with the prescribed words or figures, denoting that the design is registered and, if he fails to do so, the proprietor shall not be entitled to recover any penalty or damages in respect of any infringement of his copyright in the design unless he shows that he took all proper steps to ensure the marking of the article, or unless he shows that the infringement took place after the person guilty thereof knew or had received notice of the existence of the copyright in the design.

(2) Where a representation is made to the Government by or on behalf of any trade or industry that in the interests of the trade or industry it is expedient to dispense with or modify as regards any class or description of articles, any of the requirements of this section as to marking, the Government may, if it thinks fit, by rule under this Regulation, dispense with or modify such requirements as regards any such class or description of

articles to such extent and subject to such conditions as it thinks fit.

46. The disclosure of a design by the proprietor to any other person, in such circumstances as would make it contrary to good faith for that other person to use or publish the design and the disclosure of a design in breach of good faith by any person other than the proprietor of the design, and acceptance of a first and confidential order for goods bearing a new or original textile design intended for registration, shall not be deemed to be a publication of the design sufficient to invalidate the copyright thereof if registration thereof is obtained subsequently to the disclosure or acceptance.

Effect of
disclosure on
copyright.

47. (1) During the existence of copyright in a design, or such shorter period not being less than two years from the registration of the design as may be prescribed, the design shall not be open to inspection except by the proprietor or a person authorised in writing by him, or a person authorised by the Controller or by the Court, and furnishing such information as may enable the Controller to identify the design, and shall not be open to the inspection of any person except in the presence of the Controller, or of an officer acting under him, and on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design or of any part thereof:

Inspection of
registered
designs.

Provided that, where registration of a design is refused on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered.

(2) After the expiration of the copyright in a design or such shorter period as aforesaid, the design shall be open to inspection and copies thereof may be taken by any person on payment of the prescribed fee.

(3) Different periods may be prescribed under this section for different classes of goods.

48. On the request of any person furnishing such information as may enable the Controller to identify the design, and on payment of the prescribed fee, the Controller shall inform such person whether the registration still exists in respect of the design, and, if so, in respect of what classes of goods, and shall state the date of registration, and the name and address of the registered proprietor.

Information
as to exist-
ence of copy-
right.

Industrial and International Exhibitions.

Provisions
as to exhibi-
tions.

49. (1) The exhibition at an industrial or international exhibition certified as such by the Government or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor of a design or of any article to which a design is applied, or the publication, during the holding of any such exhibition, of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof:

Provided that—

(a) the exhibitor, before exhibiting the design or article, or publishing a description of the design, gives the Controller the prescribed notice of his intention to do so; and

(b) the application for registration is made before or within six months from the date of the opening of the exhibition.

(2) The Government may, by notification in the Official Gazette apply this section to any exhibition mentioned in the notification in like manner as if it were an industrial or international exhibition certified as such by the Government and any such notification may provide that the exhibitor shall be relieved from the condition of giving notice to the Controller of his intention to exhibit and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the notification.

Legal Proceedings.

Piracy of
registered
design.

50. (1) During the existence of copyright in any design it shall not be lawful for any person—

(a) for the purpose of sale to apply or cause to be applied to any article in any class of goods in which the design is registered, the design or any fraudulent or obvious imitation thereof, except with the license or written consent of the registered proprietor or to do anything with a view to enable the design to be so applied; or

(b) knowing that the design or any fraudulent or obvious imitation thereof has been applied to any article without the consent of the registered proprietor, to publish or expose or cause to be published or exposed for sale that article.

(2) If any person acts in contravention of this section, he shall be liable for every contravention--

(a) to pay to the registered proprietor of the design a sum not exceeding five hundred rupees recoverable as a contract debt, or

(b) if the proprietor elects to bring a suit for the recovery of damages for any such contravention, and for an injunction against the repetition thereof, to pay such damages as may be awarded and to be restrained by injunction accordingly:

Provided that the total sum recoverable in respect of any one design under clause (a) shall not exceed one thousand rupees.

(3) When the Court makes a decree in a suit under sub-section (2), it shall send a copy of the decree to the Controller, who shall cause an entry thereof to be made in the register of designs.

51. The provisions of this Regulation with regard to certificates of the validity of a patent, and to the remedy in case of groundless threats of legal proceedings, by a patentee shall apply in the case of registered designs in like manner as they apply in the case of patents, with the substitution of references to the copyright in a design for references to a patent, and of references to the proprietor of a design for references to the patentee, and of references to the design for references to the invention.

Application to designs of certain provisions of the Regulation as to patents.

PART III.

GENERAL.

Patent Office and Proceedings thereat.

52. (1) The Government may provide, for the purposes of this Regulation, an office which shall be called, and is in this Regulation referred to as, the Patent Office.

Patent Office.

(2) The Patent Office shall be under the immediate control of the Controller of Patents and Designs, who shall act under the superintendence and direction of the Government.

(3) There shall be a seal for the Patent Office.

(4) Any act or thing directed to be done by or to the Controller may be done by or to any officer authorized by the Government.

Officers and
clerks.

53. The Government may appoint the Controller, and so many officers and clerks, with such designations and duties, as it thinks fit.

Fees.

Fees.

54. (1) There shall be paid in respect of the patents and the registration of designs, and applications therefor, and in respect of other matters with relation to the patents and designs under this Regulation, such fees as may be prescribed by the Government, so however that the fees prescribed in respect of the instruments and matters mentioned in the schedule shall not exceed those there specified.

(2) A proceeding in respect of which a fee is payable under this Regulation or the rules made thereunder shall be of no effect unless the fee has been paid.

Provisions as to Registers and other Documents in the Patent Office.

Notice of
trust not to
be entered in
registers.

55. There shall not be entered in any register kept under this Regulation or be receivable by the Controller, any notice of any trust, expressed, implied or constructive.

Inspection of
and extracts
from regis-
ters.

56. Every register kept under this Regulation shall at all convenient times be open to the inspection of the public, subject to the provisions of this Regulation : and certified copies, sealed with the seal of the Patent Office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

Privilege of
reports of
Controller.

57. Reports of or to the Controller made under this Regulation shall not in any case be published or be open to public inspection.

Prohibition
of publica-
tion of speci-
fication, draw-
ing, etc.,
where appli-
cation aban-
doned, etc.

58. (1) Where an application for a patent has been abandoned or become void, the specifications and drawings (if any), accompanying or left in connection with such application, shall not, save as otherwise expressly provided by this Regulation, at any time be open to public inspection or be published by the Controller.

(2) Where an application for a design has been abandoned or refused, the application and any drawings, photographs, tracings, representations or specimens left in connection with the application shall not at any time be open to public inspection or be published by the Controller.

59. The Controller may, on request in writing accompanied by the prescribed fee,—

Power for
Controller to
correct
clerical
errors.

(a) correct any clerical error in or in connection with an application for a patent or in any patent or any specification ;

(b) cancel the registration of a design either wholly or in respect of any particular goods in connection with which the design is registered ;

(c) correct any clerical error in the representation of a design or in the name or address of the proprietor of any patent or design, or in any other matter which is entered upon the register of patents or the register of designs.

60. (1) Where a person claims to be entitled by assignment, transmission or other operation of law to a patent, or to the copyright in a registered design, the Controller shall, on request and on proof of title to his satisfaction, register his interest in such patent or design.

Entry of
assignments
and trans-
missions in
registers.

(2) Where any person claims to be entitled as mortgagee, licensee or otherwise to any interest in a patent or registered design, the Controller shall, on request and on proof of title to his satisfaction, cause notice of the interest to be entered in the prescribed manner in the register of patents or designs, as the case may be.

(3) The person registered as the proprietor of a patent or design shall, subject to the provisions of this Regulation and to any rights appearing from the register to be vested in any other person, have power absolutely to assign, grant licenses as to, or otherwise deal with, the patent or design and to give effectual receipts for any consideration for any such assignment, license or dealing:

Provided that any equities in respect of the patent or design may be enforced in like manner as in respect of any other moveable property.

61. (1) The Chief Court may, on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of patents or designs of any entry, or by any entry made in either such register without sufficient cause, or by any entry wrongly remaining on either such register, or by an error or defect in any entry in either such register, make such order for making, expunging or varying such entry as it may think fit.

Rectification
of register by
Court.

(2) The Court may in any proceeding under this section decide any question that it may be necessary or

expedient to decide in connection with the rectification of a register.

(3) The prescribed notice of any application under this section shall be given to the Controller, who shall have the right to appear and be heard thereon.

(4) Any order of the Court rectifying a register shall direct that notice of the rectification be served on the Controller in the prescribed manner, who shall upon the receipt of such notice rectify the register accordingly.

Powers and Duties of Controller

Powers of
Controller in
Proceeding
under
Regulation.

62. Subject to any rules in this behalf, the Controller in any proceedings before him under this Regulation shall have the powers of a Civil Court for the purpose of receiving evidence and administering oaths and enforcing the attendance of witnesses and compelling the production of documents and awarding costs.

Publication
of patented
inventions.

63. The Controller shall issue periodically a publication of patented inventions containing such information as the Government may direct.

Exercise of
discretionary
power by
Controller.

64. Where any discretionary power is by or under this Regulation, given to the Controller, he shall not exercise that power adversely to the applicant for a patent, or for amendment of an application or of a specification, or for registration of a design, without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard.

Power of
Controller to
take direc-
tions of
Government.

65. The Controller may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Regulation, apply to the Government for directions in the matter.

Refusal to
grant patent,
etc., in
certain cases.

66. The Controller may refuse to grant a patent for an invention, or to register a design, of which the use would, in his opinion, be contrary to law or morality.

Appeals to
the Govern-
ment.

67. (1) Where an appeal is declared by this Regulation to lie from the Controller to the Government, the appeal shall be made within two months of the date of the order passed by the Controller, and shall be in writing, and accompanied by the prescribed fee.

(2) In calculating the said period of two months the time (if any) occupied in granting a copy of the order appealed against shall be excluded.

(3) The Government may, if it thinks fit, obtain the assistance of an expert in deciding such appeals, and the decision of the Government shall be final.

Evidence, etc.

68. A certificate purporting to be under the hand of the Controller as to any entry, matter or thing which he is authorized by this Regulation, or any rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

Certificate of Controller to be evidence.

69. Any application, notice or other document authorized or required to be left, made or given at the Patent Office or to the Controller, or to any other person under this Regulation may be sent by post.

Applications and notices by post

70. (1) If any person is, by reason of infancy, lunacy or other disability, incapable of making any statement or doing anything required or permitted by or under this Regulation, the lawful guardian, committee or manager (if any) of the person subject to the disability, or, if there be none, any person appointed by any Court possessing jurisdiction in respect of his property, may make such statement as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of the person subject to the disability.

Declaration by infant, lunatic, etc.

(2) An appointment may be made by the Court for the purposes of this section upon the petition of any person acting on behalf of the person subject to the disability or of any other person interested in the making of the statement or the doing of the thing.

Agency.

71. The following documents, namely,—

- (1) applications for a patent,
- (2) notices of opposition,
- (3) applications for extension of term of a patent,
- (4) applications for the restoration of lapsed patents,
- (5) applications for leave to amend,
- (6) applications for compulsory license or revocation, and

Subscription and verification of certain documents.

(7) notices of surrenders of patent,
shall be signed and verified, in the manner prescribed, by

the person making such applications or giving such notices:

Provided that, if such person is absent from Mysore, they may be signed and verified on his behalf by an agent resident in Mysore, authorized by him in writing in that behalf.

Agency.

72. (1) All other applications and communications to the Controller under this Regulation may be signed by, and all attendances upon the Controller may be made by or through a legal practitioner or by or through an agent authorized to the satisfaction of the Controller.

(2) The Controller may, if he sees fit, require—

(a) any such agent to be resident in Mysore;

(b) any person not residing in Mysore to employ an agent residing in Mysore;

(c) the personal signature or presence of any applicant, opponent or other person.

Powers, etc., of Government.

Power for
Government
to make
rules.

73. (1) The Government may make such rules as it thinks expedient, subject to the provisions of this Regulation—

(a) for regulating the practice of registration under this Regulation;

(b) for classifying goods for the purposes of designs;

(c) for making or requiring duplicates of specifications, drawings and other documents;

(d) for securing and regulating the publishing and selling of copies, at such prices and in such manner as the Government thinks fit, of specifications, drawings and other documents;

(e) for securing and regulating the making, printing, publishing, and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office; and providing for the inspection of indexes and abridgments and other documents;

(f) generally for regulating the business of the Patent Office, the conduct of proceedings before the Controller, and all things by this Regulation placed under the direction or control of the Controller or of the Government; and

(g) generally for the purpose of carrying into effect the provisions of the Regulation.

(2) The power to make rules under this section shall—be subject to the condition of the rules being made after previous publication.

(3) All rules made under this section shall be published in the Official Gazette, and on such publication shall have effect as if enacted in this Regulation.

Offences.

74. If any person uses on his place of business, or on any document issued by him, or otherwise, the words "Patent Office," or any other words suggesting that his place of business is officially connected with, or is, the Patent Office, he shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing offence, with further fine of twenty rupees for each day on which the offence is continued after conviction therefor.

Wrongful use
of words
"Patent
Office."

Reciprocity.

75. (1) If the Government of Mysore makes any arrangement with the United Kingdom or with the Government of British India or any other State for mutual protection of inventions or designs and declares, by a notification in the Official Gazette, the provisions of this section to be applicable in such cases then any person who has applied for protection for any invention or design in the United Kingdom, British India or the other State shall be entitled to a patent for his invention or to registration of his design under this Regulation in priority to other applicants and the patent of registration shall have the same date as the date of the application in the United Kingdom, British India or the other State:—

Reciprocal
arrangements
with British
India and
other States.

Provided that—

(a) The application is made in the case of a patent within twelve months and in the case of a design within four months, from the application for protection in the United Kingdom, British India or the other State.

(b) nothing in this section shall entitle the patentee or proprietor of the design to recover damages for infringements happening prior to the actual date on which, in the case of a patent his application is accepted, or in the case of a design the design is registered in Mysore.

(2) The patent granted for an invention of the registration of a design shall not be invalidated,—

(a) in the case of a patent, by reason only of the publication of a description of, or use of the invention, or

(b) in the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of, the design,
in Mysore during the period specified in this section as that within which the application may be made.

(3) The application for the grant of a patent or the registration of a design under this section must be made in the same manner as an ordinary application under this Regulation:—

Provided that, in the case of a patent, if the application is not accepted within twelve months from the date of the application for protection in the United Kingdom, British India or the other State, the specification and the drawings (if any) supplied therewith shall be open to public inspection at the expiration of that period.

Savings and Repeal.

Saving for
prerogative.

76. Nothing in this Regulation shall take away, abridge or prejudicially affect the prerogative of His Highness the Maharaja in relation to the granting of any letters patent or to the withholding of a grant thereof.

Repeal.

77. The Inventions and Designs Regulation, 1894, is hereby repealed.

Provided that this repeal shall not affect any application under the said Regulation pending at the commencement of this Regulation, and all proceedings on such application shall be continued as if this Regulation had not been passed.

Substitution
of patents
for rights
under
repealed
Regulation.

78. (1) At any time within two years from the commencement of this Regulation, any person possessing an exclusive privilege under the Inventions and Designs Regulation, 1894, may, by request in writing left at the Patent Office and on payment of the proscribed fee, seek leave to convert his exclusive privilege under the said Regulation into a patent under this Regulation.

(2) Notice of any application under this section shall be sent to all persons appearing from the address book kept under the said Regulation to have any shares or interests in the exclusive privilege.

(3) Save as aforesaid, the procedure prescribed by section 17 in the case of applications under that section shall, so far as may be, apply to every application under this section.

(4) Every patent granted under this section shall be dated as of the date of the exclusive privilege for which it is substituted.

THE SCHEDULE.

(See Section 54.)

Fees.			Rs.
On application for a patent	...	...	10
Before sealing a patent	...	...	30
Before the expiration of the 4th year from the date of the patent.			50
Before the expiration of the 5th year from the date of the patent.			50
Before the expiration of the 6th year from the date of the patent.			50
Before the expiration of the 7th year from the date of the patent.			50
Before the expiration of the 8th year from the date of the patent.			50
Before the expiration of the 9th year from the date of the patent.			100
Before the expiration of the 10th year from the date of the patent.			100
Before the expiration of the 11th year from the date of the patent.			100
Before the expiration of the 12th year from the date of the patent.			100
Before the expiration of the 13th year from the date of the patent.			100
Provided that the fees for two or more years may be paid in advance.			
On application to extend term of a patent	...		50
Before the expiration of each year of the extended term of a patent or of a new patent granted under section 15.			100
On application for registration of a design	...		3

REGULATION IV OF 1925.

*(Received the assent of His Highness the Maharaja
on the 7th day of July 1925.)*

A Regulation to provide for the Registration, Segregation and Medical treatment of certain classes of lepers and the control of lepers following certain callings.

Whereas it is expedient to provide for the registration, segregation and medical treatment of certain classes of lepers and the control of lepers following certain callings, His Highness the Maharaja is pleased to enact as follows:—

Title, extent
and com-
mencement.

1. (1) This Regulation may be called the Lepers Regulation, 1925.

(2) It extends to the whole of Mysore.

(3) It shall not come into force in any part thereof until the Government as hereinafter provided, has declared it applicable thereto.

(4) The Government may, by notification in the *Official Gazette*, apply this Regulation or any part thereof to the whole or any portion of the State.

2. In this Regulation unless there is anything repugnant in the subject or context,—

Definitions.

(1) "leper" means any person suffering from any variety of leprosy.

(2) "pauper leper" means a leper—

(a) who publicly solicits alms or exposes or exhibits any sores, wounds, bodily ailment or deformity with the object of exciting charity or of obtaining alms, or

(b) who is at large without any ostensible means of subsistence;

(3) "leper asylum" means a leper asylum appointed under section 3; and

(4) "Board" means a Board constituted under section 5.

3. Government may, by notification in the *Official Gazette*, appoint any place to be a leper asylum if it is satisfied that adequate arrangements have been made or

Appointment
of leper asy-
lums by Gov-
ernment.

will be made for the accommodation and medical treatment of lepers therein and may by a like notification, specify the local areas from which lepers may be sent to such asylum.

Appointment
of Inspectors
of Lepers and
Superintend-
ents of
Asylums.

4. Subject to any rules which may be made under section 17, the Government may appoint any medical officer of the State or other qualified medical man to be an Inspector of Lepers and any person to be a Superintendent of a Leper Asylum, with such establishment as may, in its opinion, be necessary, and every Inspector or Superintendent so appointed shall be deemed to be a public servant.

Constitution
of Board.

5. The Government shall constitute for every leper asylum appointed under section 3 a Board consisting of not less than three members, one of whom at least shall be a medical officer of the State.

Registration
of lepers.

6. (1) Whenever an officer in charge of a Police Station has reason to believe that a leper is residing within the limits of such station whether temporarily or permanently, he shall forthwith send a report of the same to the Inspector of Lepers who, after making such enquiry as may be necessary, shall, if he finds that such person is a leper within the meaning of section 2, cause his name to be entered in a register in the form prescribed by the rules.

Any person deeming himself aggrieved by an entry made in such register, may complain to the District Magistrate against such entry, and the District Magistrate may after such enquiry as he deems fit, retain such person's name on the register or remove it therefrom as he may think fit.

Arrest of
pauper lepers.

(2) (a) Within the area specified in section 3, any Police Officer may without a warrant arrest any person who appears to him to be a pauper leper;

(b) such Police Officer shall forthwith take or send the person so arrested to the nearest convenient Police Station.

Person arrest-
ed how to
be dealt with.

7. (1) Every person brought to a Police Station under the last foregoing section shall, without unnecessary delay, be taken before an Inspector of Lepers, who,

(a) if he finds that such person is not a leper within the meaning of section 2, shall give him a certificate in Form A set forth in the schedule, whereupon such person shall be forthwith released from arrest;

(b) if he finds that such person is a leper within the meaning of section 2, shall give to the Police Officer, in whose custody the leper is, a certificate in Form B set forth in the schedule, whereupon the leper shall, without unnecessary delay, be taken before a Magistrate having jurisdiction under this Regulation.

(2) Whenever, within any local area, which has been specified under section 3, it is brought to the notice of a Police or Sanitary Officer not below the rank of an Inspector that a leper other than a pauper leper residing therein, is unable to take proper care of himself and is not properly taken care of by any friend or relative and that in consequence thereof infection is likely to spread to other persons, such Police or Sanitary Officer shall forthwith make a report of the same to the Inspector of Lepers, who after making such examination of the leper and such enquiry as may be necessary, shall, if he finds that such a person is a leper, make a report of the same to the Magistrate having jurisdiction under the Regulation accompanied by a certificate in Form B. Such Magistrate shall issue a warrant in Form C set forth in the schedule for the arrest and production of the leper before him on a date to be specified in the warrant.

Lepers other than pauper lepers how to be dealt with.

8. (1) If it appears to any District Magistrate or Magistrate of the 1st class or to any other Magistrate authorised in this behalf by the Government, upon the certificate in Form B set forth in the schedule, that any person is a leper, and if it further appears to the Magistrate that the person is a pauper leper, or that he is unable to take proper care of himself and is not properly taken care of by any friend or relative, he may, after recording the evidence on the above mentioned points, and his order thereon, send the leper in charge of a Police Officer together with an order in Form D set forth in the schedule, to a leper asylum, where such leper shall be detained until discharged by order of the Board or the District Magistrate:

Procedure with regard to pauper lepers and lepers not properly taken care of.

Provided that, if the person denies the allegation of leprosy, the Magistrate shall call and examine the Inspector of Lepers, and shall take such further evidence as may be necessary to support or to rebut the allegation that the person is a leper, and may for this purpose adjourn the enquiry from time to time, remanding the person for observation or for other reason to such place as may be convenient, or admitting him to bail:

Provided also that if any friend or relative of any person found to be a leper shall undertake in writing to the satisfaction of the Magistrate that such leper shall be properly taken care of, and shall be prevented from publicly begging in any area specified under section 3, or from spreading the infection to others, the magistrate, instead of sending the leper to an asylum, may make the leper over to the care of such friend or relative, requiring him, if he thinks fit, to enter into a bond with one or more sureties, to which the provisions of section 514 of the Code of Criminal Procedure shall be applicable.

(2) If the Magistrate finds that such person is not a leper, he shall forthwith discharge him.

Power to prohibit lepers from following certain trades and doing certain acts.

9. (1) The Government may, by notification in the *Official Gazette*, order that no leper shall, within the area specified under section 3:—

(a) personally prepare for sale or sell any article of food or drink or any drugs or clothing intended for human use; or

(b) bathe, wash cloths or take water from any public well or tank debarred by any municipal or local bye-law from use by lepers; or

(c) drive, conduct or ride in any public carriage plying for hire other than a railway carriage; or

(d) exercise any trade or calling which may by such notification be prohibited to lepers.

(2) Any such notification may comprise all or any of the above prohibitions.

(3) Whoever disobeys any order made pursuant to the powers conferred by this section shall be punishable with fine which may extend to twenty rupees:

Provided that, when any person is accused of an offence under this section, the Magistrate before whom he is accused shall cause him to be examined by an Inspector of Lepers and shall not proceed with the case unless such Inspector furnishes a certificate in Form B set forth in the schedule in respect of such person.

Conviction after previous conviction.

10. (1) Whenever any leper who has been convicted of an offence punishable under the last foregoing section is again convicted of any offence punishable under that section, the Magistrate may, in addition to, or in lieu of any punishment to which such leper may be liable, require him to enter into a bond, with one or more sureties, binding him to depart forthwith from the local area specified under section 3 in which he is, and not to enter that or

any other local area so specified until an Inspector of Lepers shall have given him a certificate in Form A set forth in the schedule.

(2) If any such leper fails to furnish any security required under sub-section (1), the Magistrate may send him in charge of a Police Officer, with an order in Form E set forth in the schedule, to a leper asylum where such leper shall be detained until discharged by order of the Board or the District Magistrate.

(3) The powers conferred by this section shall only be exercised by a District Magistrate or Magistrate of the first class.

11. Any person who, within any area specified under section 3, knowingly employs a leper in any trade or calling prohibited by order under section 9 shall be punishable with fine which may extend to fifty rupees ;

Penalty on person employing lepers in prohibited trade.

Provided that the alleged leper shall be produced before the Magistrate and the Magistrate shall cause him to be examined by an Inspector of Lepers, and shall not proceed with the case unless such Inspector furnishes a certificate in Form B set forth in the schedule in respect of such alleged leper.

12. Orders passed by a Magistrate under sections 9, 10 and 11, shall be appealable to the courts to which appeals ordinarily lie under the Code of Criminal Procedure, 1904.

Appeal from orders of Magistrates.

13. Whoever, having been sent to a leper asylum under an order of a Magistrate in Form D or Form E set forth in the schedule escapes from, or leaves the asylum without the permission in writing of the Superintendent thereof, may be arrested without a warrant, by any Police Officer or by any other person specially empowered by the Government by order in writing in this behalf, and upon arrest shall be forthwith taken back to the leper asylum.

Re-arrest of escaped lepers.

14. Two or more members of the Board, one of whom shall be the medical officer, shall, once at least in every three months, together, inspect the leper asylum for which they are constituted, and see and examine (a) every leper therein admitted since the last inspection, together with the order for his admission, and (b) as far as circumstances will permit, every other leper therein, and shall enter in a book to be kept for the purpose any remarks which they may deem proper in regard to the management and condition of the asylum and the lepers therein.

Inspection by Board.

Order of
discharge by
Board or
District
Magistrate.

15. Any two members of the Board, one of whom shall be the medical officer, or the District Magistrate, may at any time by an order in writing in Form F set forth in the schedule and signed by them, direct the discharge from the leper asylum of any leper detained therein under the provisions of this Regulation.

Appeals.

16. Any person, other than a pauper leper, in respect of whom an Inspector of Lepers has issued a certificate in Form B set forth in the schedule, declaring him to be a leper, or has refused to issue a certificate in Form A set forth in the schedule, may appeal against the issue or refusal of any such certificate to such officer as may be appointed by the Government in this behalf, and the decision of such officer shall be final.

Power of the
Government
to make rules

17. The Government may, by notification in the *Official Gazette*, make rules generally for carrying out the purposes of this Regulation and in particular—

(a) for the guidance of all or any of the officers discharging any duty under this Regulation; and

(b) for the management of, and the maintenance of discipline in a leper asylum.

Power to
local authori-
ties to expend
funds and
appropriate
properties to
asylums.

18. Notwithstanding anything in any enactment with respect to the purposes to which the funds or other property of a local authority may be applied, any local authority may—

(a) establish or maintain, or establish and maintain, or contribute towards the cost of the establishment or maintenance or the establishment and maintenance of, a leper asylum either within or without the local limits of such local authority;

(b) with the previous sanction of the Government and subject to such conditions as Government may prescribe, appropriate any immoveable property vested in or under the control of, such body as a site, for, or for use as, a leper asylum.

Protection to
persons act-
ing *bona fide*
under Regu-
lation.

19. No suit, prosecution or other legal proceeding shall lie against any officer or person in respect of anything in good faith done or intended to be done under, or in pursuance of, the provisions of this Regulation.

SCHEDULE.

A.—CERTIFICATE

(Section 7.)

I, the undersigned (*here enter name and official designation*), hereby certify that I on the _____ day of _____ at _____ personally examined (*here enter name of person examined*) and that the said _____ is not a leper as defined by the Lepers Regulation, 1925.

Given under my hand this _____ day of _____ 192 .

(Signature.)

Inspector of Lepers.

B.—CERTIFICATE.

(Section 7.)

I, the undersigned (*here enter name and official designation*), hereby certify that I on the _____ day of _____ at _____ personally examined (*here enter name of leper*), and that the said _____ is a leper as defined by the Lepers Regulation, 1925, and that I have formed this opinion on the following grounds, namely:—

(Here state the grounds.)

Given under my hand this _____ day of _____ 192

(Signature.)

Inspector of Lepers.

C.—WARRANT CASES.

[Section 7 (2).]

To

(Name and designation of the person or persons who is or are to execute the warrant.)

Whereas the Inspector of Lepers (designation in full) makes a report under section 7 (2) of the Lepers Regulation, 1925. thatis a leper, you are hereby directed to arrest the saidand to produce him before me on

Herein fail not.

Dated this _____ day of _____ 192

*Signature.*

D.—WARRANT OF DETENTION.

(Section 8.)

To

THE SUPERINTENDENT OF THE LEPER ASYLUM AT

WHEREAS it has been made to appear to me that (*name and description*) is pauper leper as defined in the Lepers Regulation, 1925, or a leper as defined in the Regulation who cannot take proper care of ^{himself}_{herself} or be properly taken care of by ^{his}_{her} friend or relative.

This is to authorise you the said Superintendent, to receive the said ^{him}_{her} into your custody together with this order and ^{he}_{she} safely to keep in the said asylum until ^{he}_{she} shall be discharged by order of the Board or the District Magistrate.

Given under my hand and the seal of the Court this day of 192 .

(Signature.)



Magistrate.

E.—WARRANT OF DETENTION.

(Section 10.)

To

THE SUPERINTENDENT OF THE LEPER ASYLUM AT

WHEREAS (*name and description*) has this day been convicted by me of an offence punishable under section 9 of the Lepers Regulation, 1925, and whereas it has been proved before me that the said (*name and description*) was previously convicted of an offence punishable under the same section.

This is to authorise you, the Superintendent, to receive the said ^{him}_{her} into your custody together with this order and ^{he}_{she} safely to keep in the said asylum until ^{he}_{she} shall be discharged by order of the Board or the District Magistrate.

Given under my hand and the seal of the Court this day of 192 .

Signature.



Magistrate.

F.—ORDER OF DISCHARGE BY BOARD OR THE
DISTRICT MAGISTRATE.

(Section 15.)

To

THE SUPERINTENDENT OF THE LEPER ASYLUM AT

WHEREAS (*name and description*) was committed to your custody under an order dated the day of 192 and there have appeared to us sufficient grounds for the opinion that $\frac{\text{he}}{\text{she}}$ can be released without hazard or inconvenience to the community.

This is to authorise and require you forthwith to discharge the said (*name*) from your custody.

Given under $\frac{\text{our hand}}{\text{my hand}}$ this day of 192 .

(*Signature.*)

Members of the Asylum Board or the District Magistrate.

REGULATION V OF 1925.

*(Received the assent of His Highness the Maharaja on the
7th day of July 1925)*

**A Regulation further to amend the Indian Penal Code
as in force in Mysore.**

Whereas it is expedient further to amend the Indian Penal Code as in force in Mysore; His Highness the Maharaja is pleased to enact as follows:—

In Section 75 of the Code between the words “Code” and “with” the following words shall be inserted:—

“or of the Indian Penal Code as in force in British India or any other territory to which it may have been extended by the Governor-General in Council.”

REGULATION VI OF 1925.

(Received the assent of His Highness the Maharaja on the 7th day of July 1925).

A Regulation to amend the Mysore Factories Regulation, 1914.

Whereas it is expedient to amend the Mysore Factories Regulation, 1914, His Highness the Maharaja is pleased to enact as follows:—

1. (1) This Regulation may be called the Mysore Factories (Amendment) Regulation, 1925. Title and commencement.

(2) It shall come into force on the expiry of three months from the date of its first publication in the Official Gazette.

2. In section 2 of the Regulation,

Amendment of section 2.

(a) In clause 1 for the word 'fourteen' the word 'fifteen' shall be substituted;

(b) For clause 3, the following clause shall be substituted, *viz.*,

"(3) 'Factory' means—

Factory defined.

(a) Any premises wherein, or within the precincts of which, on any one day in the year not less than twenty persons are simultaneously employed and steam, water or other mechanical power or electrical power is used in aid of any process for or incidental, to making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale any article or part of an article; or

(b) Any premises wherein, or within the precincts of which, on any one day in the year not less than ten persons are simultaneously employed and any such process is carried on whether any such power is used in aid thereof or not, which have been declared by the Government by notification in the Gazette, to be a factory.

A declaration under clause (b) may be made in respect of any class of premises, or in respect of any particular premises."

(c) For clauses (8) and (9), the following clause shall be substituted, *viz.*,

“(8) ‘week’ means the period between midnight on Saturday night and midnight on the succeeding Saturday night.”

3. For section 3 of the Regulation, the following section shall be substituted, *viz.*,

“3. Nothing in this Regulation shall apply to any mine subject to the operation of the Mysore Mines Regulation.”

4. In section 7 of the Regulation for sub-section (2), the following sub-sections shall be substituted, *viz.*,

“(2) A certifying Surgeon may revoke any certificate granted to a child under sub-section (1) if, in his opinion, the child is no longer fit for employment in a factory.

(3) Where a certifying Surgeon refuses to certify that a person is fit for employment in a factory or revokes a certificate granted to a child in this behalf, he shall, if required by such person or child, or by the parent or guardian of such child, or by the manager of the factory in which such person or child desires to be employed, state in writing his reasons for such a refusal or revocation.”

5. In section 8 of the Regulation—

In the proviso, for the words “after the first date” to the end of the section, the words “for a period of more than three months” shall be substituted.

6. After section 8 in Chapter II of the Regulation, the following section shall be inserted, *viz.*,

“8A. Where an Inspector is of opinion that a child employed in a factory is no longer fit for employment, he may serve on the manager of the factory a notice requiring that such child shall cease to be employed until he has been re-examined by a certifying surgeon or by a Medical Practitioner duly authorised by a certifying surgeon in this behalf.”

7. To section 9 of the Regulation, the following clause shall be added, *viz.*,

“(d) The atmosphere shall not be rendered so humid by artificial means as to be injurious to the health of the persons employed therein.”

8. In clause (c) of sub-section (1) of section 18 of the Regulation, after the word “Machinery” the words “and electrical fittings including live wires and switches” shall be inserted.

Compulsory
medical exa-
mination.

9. After section 18 of the Regulation, the following section shall be inserted, *viz.*,

“18A. (1) If an Inspector is of opinion,
 (a) that any factory or part thereof is in such a condition as to be dangerous to human life or safety, or
 (b) that any part of the ways, works, machinery or plant used in a factory is in such a condition that it cannot be used without danger to human life or safety,

Repairs to
buildings or
machinery.

he may serve on the manager of the factory an order in writing specifying the measures which he considers necessary for removing the danger, and requiring him to carry them out before such date as may be specified therein.

(2) If, in the opinion of the Inspector, the use of any part of the ways, works, machinery or plant in a factory involves imminent danger to human life, he may serve on the manager of the factory an order in writing prohibiting the use thereof until it is duly repaired or altered.

10. After section 19 of the Regulation, the following sections shall be inserted, *viz.*,

“19A. Where, in the opinion of the Inspector, the presence in any factory or any part thereof, of children, who by reason of their age, cannot, under the provisions of this Regulation, be lawfully employed therein, involves danger to, or injury to the health of such children, he may serve on the manager of such factory an order in writing prohibiting the admission of such children to the factory or part thereof.

Power to pro-
hibit presence
of children in
factories.

19B. No persons under the age of eighteen years and no woman shall be employed in any factory in any of the operations specified in Part I of the Schedule, or, save in accordance with the Regulations contained in Part II of the Schedule, in any operation involving the use of lead compounds.”

Prohibition of
employment
of women and
persons under
eighteen
years in cer-
tain processes

11. In the proviso to section 20 of the Regulation, after the word ‘roof,’ the words ‘or to such height as the Inspector may in any particular case, specify’ shall be inserted.

12. For section 21 of the Regulation, the following section shall be substituted, *viz.*,

“21. In every factory there shall be fixed—

(a) For each person employed on each working day.—

Rest periods
in factories.

(i) At intervals not exceeding six hours, periods of rest of not less than one hour, or

(ii) At the request of the employees concerned, periods of rest of not less than half an hour each so arranged that, for each period of six hours work done, there shall be period of rest of not less than one hour's duration in all, and that no person shall work for more than five hours continuously.

13. In section 22 of the Regulation, (a) to clause (b) of sub-section 1, the following proviso shall be added, *viz.*,

"Provided that no such substitution shall be made as will result in any person working for more than ten consecutive days without a holiday for a whole day."

(b) For sub-section (2), the following sub-section shall be substituted, *viz.*,

"(2) where in accordance with the provisions of Sub-section (1) any person is employed on a Sunday in consequence of his having had a holiday on one of the three days preceding that Sunday, that Sunday shall, for the purposes of calculating the weekly hours of work of such person, be deemed to be included in the preceding week."

(c) Sub-sections (3) and (4) shall be omitted.

14. (1) In clause (a) of section 23 of the Regulation for the word 'nine' the word 'eleven' shall be substituted.

"(2) In clause" (c) of section 23, for the word 'seven' the words "five and half" shall be substituted.

(3) The provisions of clause (a) of section 23 as hereby amended, shall not apply to any child lawfully employed in a factory before the date on which this Regulation comes into force.

15. In section 25 of the Regulation after the word 'child' the words "or, save in such circumstances as may be prescribed any other person" shall be inserted.

16. In section 26 of the Regulation for the words "woman or child" and the words "woman and child" the word "person," shall be substituted.

17. For section 27 of the Regulation, the following sections shall be substituted, *viz.*,

Limitation of
working
hours per
week.

"27. No person shall be employed in a factory for more than sixty hours in any one week.

Limitation of
working
hours per
day.

28. No person shall be employed in any factory for more than eleven hours in any one day."

18. For Chapter V of the Regulation, the following Chapter shall be substituted, *viz.*—

CHAPTER V.

Exceptions.

29. Nothing in any of the sections 21, 22, 26, 27 and 28, shall apply to persons who may by rules made by Government under this Regulation be defined to be persons holding positions of supervision or management or to persons employed in a confidential capacity.

Exceptions
for persons
holding posi-
tions of su-
pervision, etc.

30. (1) Where it is proved to the satisfaction of the Government,

Exemptions.

(a) that any class of work in a factory is in the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of the factory; or

(b) that the work of any class of workers is essentially intermittent; or

(c) that there is in any class of factories any work which necessitates continuous production for technical reasons; or

(d) that any class of factories supplies the public with articles of prime necessity which must be made or supplied everyday; or

(e) that in any class of factories, the work performed, by the exigencies of the trade or by its nature, cannot be carried on except at stated seasons or at times dependent on their regular action of natural forces;

the Government may, by notification in the Official Gazette, exerapt on such conditions, if any, as it may impose —

in case (a) such class of work from all or any of the provisions of sections 27 and 28;

in case (b) work of the nature described from all or any of the provisions of sections 22, 27 and 28;

in case (c) work of the nature described from the provisions of sections 21 and 22;

in cases (d) and (e) such class of factories from the provisions of section 22.

(2) The Government may, by general or special order, exempt for such period as may be specified in the order and on such conditions, if any, as it may impose, any factory from all or any of the provisions of sections

21, 22, 27 and 28, on the ground that such exemption is necessary in order to enable such factory to deal with an exceptional press of work.

(3) In such circumstances and subject to such conditions as may be prescribed, nothing in section 21, section 22, section 27, or section 28, shall apply to work on urgent repairs.

31. Where under the provisions of sub-section (1) of section 30, any factory has been exempted from the provisions of section 27, every person employed in such factory for more than sixty hours in any one week shall be paid, in respect of the overtime, at a rate which shall be at least one and a quarter times the rate at which he is normally paid.

Register of
workers

32. The Government may, by a notification in the Official Gazette, exempt any factory situated on and used solely for the purpose of, a tea or coffee plantation, from all or any of the provisions of sections 21 and 22, on such conditions, if any, as it may impose."

19. In sub-section 1 of section 33 of the Regulation for clauses (a) and (b), the words "on or before the date on which the factory commences working as such" shall be substituted.

20. For section 35 of the Regulation, the following section shall be substituted, *viz.*,

"35. In every factory there shall be kept, in the prescribed form, a register of all the persons employed in such factory, of their hours of work and of the nature of their respective employment."

21. In section 36 of the Regulation,—

(a) for clause (b) of sub-section (1) the following shall be substituted, *viz.*,

"(b) the periods of rest fixed under section 21 ;"

(b) in clause (d) of sub-section (1) for the words "women and children, respectively, if not employed in shifts" the words "all persons employed" shall be substituted ;

(c) After clause (d) of sub-section (1), the following shall be inserted, *viz.*,

"(e) the weekly holidays fixed under section 22. "

(d) sub-section (4) shall be omitted.

22. In sub-section (2) of section 37 of the Regulation.—

(a) in clause (b) after the word "Ventilation" the words "and artificial humidification" shall be inserted ;

(b) for clause (j) the following clause shall be substituted, *viz.*,

"The parts of the machinery and electrical fittings to be kept fenced in accordance with section 18, sub-section (1) clause (c), and the provisions to be made for the protection from danger of persons employed in attending to the machinery, electrical fittings or boilers."

(c) after clause (i) the following clause shall be inserted, *viz.* :—

"(jj) the definition of "persons" under section 29 who shall be deemed to be persons holding positions of supervision or management or persons employed in a confidential capacity."

23. After section 38 of the Regulation, the following section shall be inserted, *viz.* :—

"38A. The Government may make rules for the adequate disinfection of wool used in factories which may be infected with anthrax spores."

Rules for
prevention
of anthrax.

24. In section 39 of the Regulation,—

(a) in sub-section (1) for the word and figures "section 38" the words and figures "sections 38 and 38A" shall be substituted.

(b) in sub-section (2) for the words and figures "section 37 and 38" the words and figures "section 37, 38 and 38A" shall be substituted.

25. In section 41 of the Regulation,—

(a) in clause (f) for the words "machinery or boilers" the words "machinery, electrical fittings or boilers" shall be substituted ;

(b) in clause (g) for the words and figures "or section 18" the words and figures "section 18, section 18A or section 19A" shall be substituted ;

(c) for the words "two hundred" the words "five hundred" shall be substituted.

26. "In section 43 of the Regulation for the words "two hundred" the words "five hundred" shall be substituted.

27. After section 43 of the Regulation the following section shall be inserted, *viz.* :—

"48A. Where under this Regulation a Criminal Court imposes a fine or confirms in appeal, revision, or otherwise, a sentence of fine in respect of an offence causing bodily injury or death, the court may, when passing judgment, order the whole or any part of the fine recovered

Power of
Court to pay
compensation
out of
fine.

to be paid as compensation to the person injured or, in the case of his death, to his legal representative;

Provided that, if the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or if an appeal has been presented, before the decision of the appeal."

28. In section 48 of the Regulation at the end of sub-section (2) the words and figures "or section 44" shall be added

29. In section 50 of the Regulation—

(a) in sub-section (1) for the words and figures "or section 18" the words and figures "section 18, section 18A or section 19A" shall be substituted.

(b) sub-section (2) shall be omitted.

(c) after sub-section (3) the following sub-section shall be inserted, *viz* :—

"(4) Except in the case of an appeal against an order under section 19A, the appellate authority may, on the application of the appellant, suspend the operation of an order of the Inspector pending the decision of the appeal. But where no such suspension has been granted, such order shall be complied with notwithstanding the fact that an appeal has been presented."

30. In section 51 of the Regulation for the words and figures "section 28 and section 32" the words and figures "section 27, section 28 and section 31" shall be substituted.

31. For schedules I and II of the Regulation the following schedule shall be substituted.

" SCHEDULE.

(See Section 19 B.)

PART I.

1. Work at furnace where the reduction or treatment of zinc or lead ores is carried on :
2. The manipulation, treatment, or reduction of ashes containing lead, the desilverising of lead or the melting of scrap lead or zinc :
3. The manufacture of solder or alloys containing more than ten per cent of lead :
4. The manufacture of any oxide, carbonate, sulphate, chromate, acetate, nitrate, or silicate of lead :
5. Mixing or pasting in connection with the manufacture or repair of electric accumulators :
6. The cleaning of work-rooms where any of the processes aforesaid are carried on.

PART II.

1. Where dust or fume from a lead compound is produced in the process, provision must be made for drawing the fume or dust away from the persons employed by means of an efficient exhaust draught so contrived as to operate on the dust or fume as nearly as may be at its point of origin :
 2. The persons employed must undergo the prescribed medical examination at the prescribed intervals, and the prescribed record must be kept with respect to their health :
 3. No food, drink or tobacco, shall be brought into, or consumed in, any room in which the process is carried on, and no person shall be allowed to remain in any such room during meal times :
 4. Adequate protective clothing in a clean condition shall be provided by the employer and worn by the persons employed :
 5. Such suitable cloak-room, mess-room and washing accommodation as may be prescribed shall be provided for the use of the persons employed :
 6. The rooms in which the persons are employed and all tools and apparatus used by them, shall be kept in a clean condition."
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REGULATION VII OF 1925.

*(Received the assent of His Highness the Maharaja
on the 7th day of July 1925.)*

**A Regulation to amend the Mysore Vaccination
Regulation, I of 1906.**

Whereas it is expedient to amend the Mysore Vaccination Regulation, I of 1906, His Highness the Maharaja is pleased to enact as follows:—

For Section 2 of the Regulation, the following section shall be substituted, namely:—

2. “ Vaccination shall be compulsory in all Municipalities constituted under the Mysore Municipal Regulation, 1906, and in the local area under the control of the Kolar Gold Fields Sanitary Board.

3. The Government may, by notification in the Official Gazette, declare that Vaccination shall be compulsory in any other local area from and after a date to be specified in such notification and Government may, in like manner, cancel or modify any such declaration.

4. The Government may make rules to regulate the vaccination of persons in the local areas where Vaccination is or has been declared to be compulsory, and bye-laws for the purposes of this Regulation not inconsistent with these rules may be made from time to time with the approval of Government by a local body within whose local area Vaccination has been declared to be compulsory.

5. For every breach of a rule or bye-law under Section 4 the offender shall be liable to a fine not exceeding fifty rupees.

Provided that no penalty shall be imposed on any person by reason of non-vaccination, if he has already had small-pox. ”

REGULATION VIII OF 1925.

The Government Securities Regulation, 1925.

CONTENTS.

1. Short title, extent and commencement.
2. Definitions.
3. Notice of trust not receivable save as provided.
4. Right of survivors of joint or several payees of Government securities.
5. Indorsements to be made on security itself.
6. Holding of Government securities by holders of public offices.
7. Indorser of Government security not liable for amount thereof.
8. Impression of signature on Government securities.

Issue of duplicate, renewed, converted, consolidated or sub-divided securities.

9. Issue of duplicate securities.
10. Renewal of bearer bonds.
11. Renewal of promissory notes.
12. Renewal of promissory notes in case of dispute as to title.
13. Renewal of other securities.
14. Issue of converted, etc., securities.
15. Liability in respect of promissory note renewed, etc.

Discharge.

16. Immediate discharge in certain cases.
17. Discharge in other cases.

Summary procedure in certain cases.

18. Procedure on death of holder of securities not exceeding an aggregate value of five thousand rupees.

Securities held by minors and lunatics.

19. Payment in case of securities held by minors and lunatics.

Indemnity.

20. Indemnity.

Inspection of registers, books and documents.

21. Inspection of documents.

Penalty.

22. Penalty

Rules.

23. Power to make rules.

Repeals.

24. Repeals.

REGULATION VIII OF 1925.

(Received the assent of His Highness the Maharaja on the 9th day of July 1925)

A Regulation to consolidate and amend the law relating to Government Securities.

Whereas it is expedient to consolidate and amend the law relating to Government securities; His Highness the Maharaja is pleased to enact as follows:—

1. (1) This Regulation may be called the Government Securities Regulation 1925; Short title
extent and
commence-
ment.

(2) It extends to the whole of Mysore;

(3) It shall come into force at once.

2. In this Regulation, unless there is anything repugnant in the subject or context,— Definitions

(a) "Government security" means promissory notes, stock-certificates, bearer bonds and all other securities issued by the Government in respect of any loan contracted either before or after the passing of this Regulation; and

(b) "prescribed" means prescribed by rules made under this Regulation.

3. (1) Save as otherwise provided in or under this Regulation, no notice of any trust in respect of any Government security shall be receivable by the Government. Notice of
trust not
receivable
save as pro-
vided.

(2) The Government shall not be deemed to have received notice of any trust by reason only of the fact that it has recognised an indorsement on a Government security by an executor or administrator as such, nor shall it inquire into the terms of any will by which such executor or administrator may be bound, but, on being satisfied of the due appointment of such executor or administrator, it shall be entitled to treat him as the full owner of any Government security belonging to the estate of the person whom he represents.

4. (1) Notwithstanding anything in Section 45 of the Indian Contract Act, 1872,— Survivors of
joint or
several
payees of
Government
securities.

(a) when a Government security is payable to two or more persons jointly, and either or any of them dies, the security shall be payable to the survivor or survivors of those persons, and

(b) when a Government security is payable to two or more persons severally, and either or any of them dies, the security shall be payable to the survivor or survivors of those persons or to the representative of the deceased, or to any of them.

(2) This section shall apply whether such death occurred or occurs before or after this Regulation comes into force.

(3) Nothing herein contained shall affect any claim which any representative of a deceased person may have against the survivor or survivors under or in respect of any security to which sub-section (1) applies.

Indorsement
to be made
on security
itself.

5. Notwithstanding anything in Section 15 of the Negotiable Instruments Regulation, 1917, no indorsement of a Government promissory note shall be valid unless made by the signature of the holder inscribed on the back of the security itself.

Holding of
Government
securities by
holders of
public offices.

6. (1) In the case of any public office to which the Government may, by notification in the Official Gazette, declare this sub-section to apply, a Government security may be made or indorsed payable to or to the order of the holder of the office by the name of the office.

(2) When a Government security is made or indorsed as aforesaid, it shall be deemed to be transferred without any or further indorsement from each holder of the office to the succeeding holder of the office on and from the date on which the latter takes charge of the office.

(3) When the holder of the office indorses to a third party a Government security made or indorsed as aforesaid, he shall subscribe the indorsement with his name and the name of the office.

(4) A writing on a Government security now or heretofore standing in the name of the holder of a public office, whereby the security has been or was made or indorsed payable to or to the order of the holder of the office, by the name of the office, shall not be deemed to be or to have been invalid by reason only of the security having been so made or indorsed.

(5) This section applies as well to an office of which there are two or more joint holders as to an office of which there is a single holder.

Indorser of
Government
security not
liable for
amount
thereof.

7. Notwithstanding anything in the Negotiable Instruments Regulation, 1917, a person shall not, by reason only of his having indorsed a Government security, be liable to pay any money due, either as principal or as interest, thereunder.

8. (1) The signature of the person authorised to sign Government securities on behalf of the Government may be printed, engraved or lithographed, or impressed by such other mechanical process as the Government may direct, on the securities.

Impression of
signature on
Government
securities.

(2) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the person so authorised.

Issue of duplicate, renewed, converted, consolidated or sub-divided securities.

9. [1] When a Government security alleged to have been lost or destroyed either wholly or in part, and a person claims to be the person to whom, but for the loss or destruction it would be payable, he may, on application to the prescribed officer, and on producing proof to his satisfaction of the loss or destruction and of the justice of the claim and on payment of the prescribed fee, if any, obtain from him an order for—

Issue of
duplicate
securities

(a) the payment of interest in respect of the security said to be lost or destroyed pending the issue of a duplicate security; and

(b) the issue of a duplicate security payable to the applicant.

(2) An order shall not be passed under sub-section (1) until after the issue of the prescribed notification of the loss or destruction.

(3) A list of the securities in respect of which an order is passed under sub-section (1) shall be published in the prescribed manner.

10. The holder of a bearer bond or other Government security payable to bearer, may, on application to the prescribed officer, on delivery of the bearer bond or other security, and on payment of the prescribed fee, if any, obtain from such officer a renewed bearer bond or other security, as the case may be.

Renewal of
bearer bonds.

11. Subject to the provisions of Section 12, a person claiming to be entitled to a Government promissory note, may on applying to the prescribed officer, and on satisfying him of the justice of his claim and delivering the promissory note receipted in the prescribed manner, and paying the prescribed fee, if any, obtain from such officer a renewed promissory note payable to him :

Renewal of
promissory
notes.

Provided that when application is made for the renewal of a Government promissory note which appears to the prescribed officer to stand in the name of a deceased member of a Hindu undivided family governed by the *Mitakshara* law, a renewed promissory note shall not be issued to the applicant unless he furnishes a certificate signed by such authority and after such inquiry as may be prescribed to the effect that the deceased belonged to a Hindu undivided family governed by the *Mitakshara* law, that the promissory note formed part of the joint property of the family, and that the applicant is the managing or sole surviving male member of the family.

Explanation.—The expression "Hindu undivided family governed by the *Mitakshara* law" shall for the purpose of this section, be deemed to include a Malabar tarwad.

Renewal of
promissory
notes in case
of dispute as
to title.

12. (1) Where there is a dispute as to the title to a Government promissory note in respect of which an application for renewal has been made, the prescribed officer may—

(a) where any party to the dispute has obtained a final decision from Court of competent jurisdiction declaring him to be entitled to such note, issue a renewed note in favour of such party, or

(b) refuse to renew the note until such a decision has been obtained, or

(c) after such inquiry as is hereinafter provided and consideration of the result thereof, declare by order in writing which of the parties is in his opinion entitled to such note and may, after the expiration of three months from the date of such declaration, issue a renewed note in favour of such party in accordance with the provisions of Section 11, unless within that period, he has received notice that proceedings have been instituted by any person in a Court of competent jurisdiction for the purpose of establishing a title to such note.

Explanation.—For the purposes of this sub-section, the expression 'final decision' means a decision which is not appealable or a decision which is appealable, but against which no appeal has been filed within the period of limitation allowed by law.

(2) For the purpose of the inquiry referred to in sub-section (1), the prescribed officer may himself record, or may request the District Magistrate to record or to have recorded the whole or any part of such evidence as

the parties may produce. When such request has been made to the District Magistrate, such Magistrate may himself record or may direct any Magistrate of the first class subordinate to him or any Magistrate of the second class subordinate to him and empowered by general or special order of the Government in this behalf, to record the evidence, and shall forward a copy thereof to the prescribed officer.

Explanation.—For the purposes of this sub-section, the District Magistrate means the District Magistrate having jurisdiction in the place where interest on the promissory note is payable.

(3) The prescribed officer or any Magistrate acting under this section may, if he thinks fit, record evidence on oath.

13. Government securities other than those mentioned in Sections 10 and 11 may be renewed in such circumstances and in such manner as may be prescribed.

Renewal of
other
securities.

14. (1) The prescribed officer may, subject to such conditions as may be prescribed, on the application of a person claiming to be entitled to a Government security or securities, on being satisfied of the justice of the claim and on delivery of the security or securities receipted in the prescribed manner and on payment of the prescribed fee, if any, convert, consolidate or sub-divide the security or securities, and issue to the applicant a new security or securities accordingly.

Issue of
converted,
etc.,
securities.

(2) The conversion, consolidation, or sub-division referred to in sub-section (1) may be into a security or securities of the same or different classes or of the same or different loans.

15. (1) When a renewed Government promissory note has been issued under Section 11, or a new Government promissory note has been issued upon conversion, consolidation or sub-division under section 14, in favour of any person, the note so issued shall be deemed to constitute a new contract between the Government and such person and all persons deriving title thereafter through him.

Liability in
respect of
promissory
note renewed,
etc.

(2) No such renewal, conversion, consolidation or sub-division shall affect the rights as against the Government of any other person to the security or securities so renewed, converted, consolidated or sub-divided.

Discharge.

Immediate
discharge in
certain cases.

16. On payment by or on behalf of the Government to the holder of a bearer bond or other Government security payable to bearer of the amount expressed therein on or after the date when it becomes due or on renewal of a bearer bond or other security payable to bearer under Section 10, or on renewal of a Government promissory note under Section 12, or on conversion, consolidation or sub-division of a bearer bond or other security payable to bearer under Section 14, the Government shall be discharged in the same way and to the same extent as if such bearer bond, promissory note or other security were a promissory note payable to bearer.

Provided that, in the case of a Government promissory note renewed under Section 12, nothing in this section shall be deemed to bar a claim against the Government in respect of such note by any person who had no notice of the proceedings under that section, or who derives title through any such person.

Discharge of
other cases.

17. Save as otherwise provided in this Regulation—

(i) on payment of the amount due on a Government security on or after the date on which payment becomes due, or

(ii) when a duplicate security has been issued under Section 9, or

(iii) when a renewed security has been issued under Section 11, or Section 12 or a new security or securities has or have been issued upon conversion, consolidation or sub-division under Section 14, the Government shall be discharged from all liability in respect of the security or securities so paid or in place of which a duplicate, renewed, or new security or securities has or have been issued—

(a) in the case of payment—after the lapse of six years from the date on which payment was due;

(b) in the case of a duplicate security—after the lapse of six years from the date of the publication under sub-section (3) of Section 9 of the list in which the security is first mentioned or from the date of the last payment of interest on the original security, whichever date is later;

(c) in the case of a renewed security or of a new security issued upon conversion, consolidation or sub-division—after the lapse of six years from the date of the issue thereof.

Summary procedure in certain cases.

18. (1) If within six months of the death of a person who was entitled to a Government security or securities, (other than a security payable to bearer) the nominal or face value of which does not in the aggregate exceed five thousand rupees, probate of the will or letters of administration of the estate of such person or a certificate granted under the Succession Certificate Regulation, 1901, is not produced to the prescribed officer, such officer may, after inquiry in the manner provided in sub-sections (2) and (3) of Section 12, determine who is the person entitled to the security or securities or to administer the estate of the deceased, and may—

Procedure on death of holder of securities not exceeding an aggregate value of five thousand rupees.

(a) in the case of any such security relating to a loan due for repayment, authorise payment of the amount due thereon to such person; and

(b) in the case of any such security relating to a loan not due for repayment, authorise, in the case of a promissory note, the renewal of such promissory note in favour of such person, or, in the case of stock the registration of the name of such person in substitution for the name of the deceased.

(2) Upon the payment or renewal of any promissory note in accordance with sub-section (1), the Government shall be discharged from all liability in respect of the note so paid or renewed; and any substitution of names made in accordance with clause (b) of sub-section (1) shall, for the purposes of any claim against the Government, be deemed to have effected a valid transfer of the stock in respect of which it was made.

(3) Any creditor or claimant against the estate of the deceased may recover his debt or claim out of money paid to any person under sub-section (1) and remaining in his hands unadministered in the same manner and to the same extent as if the said person had obtained letters of administration of the estate of the deceased, and nothing in this section shall affect any claim of an executor or administrator or other representative of the deceased against such person other than a claim to recover amounts

lawfully paid by him in due course of administration of the estate of the deceased.

Securities held by minors and lunatics.

Payment in case of securities held by minors and lunatics.

19. Where a Government security stands in the name of or is held by a minor or a person who is insane and incapable of managing his affairs, the interest accruing thereon, or the capital sum payable in respect thereof on the maturity or discharge of the loan shall, where, in the case of interest payable, the nominal value of the security, or in other cases the sum payable, does not exceed five thousand rupees, be paid in such manner as may be prescribed, and on any payment being so made, the Government shall, notwithstanding any provision of enactment to the contrary, be discharged from all liability in respect thereof.

Indemnity.

Indemnity.

20. Notwithstanding anything in Sections 9, 11, 12 or 14, the prescribed officer may in any case arising under any of those sections—

(i) issue a duplicate or renewed security or convert, consolidate or sub-divide a security or securities upon the applicant giving all prescribed indemnity against the claims of the persons claiming under the original security or under the security or securities so renewed, converted, consolidated or sub-divided, as the case may be, or

(ii) refuse to issue a duplicate or renewed security or to convert, consolidate or sub-divide a security or securities unless such indemnity is given.

Inspection of registers, books and documents.

Inspection of documents,

21. No person shall be entitled to inspect, or to receive information derived from, any Government security in the possession of the Government or from any book, register or other document kept or maintained by or on behalf of Government in relation to Government securities or any Government security save in such circumstances and manner and subject to such conditions as may be prescribed.

Penalty.

22. (1) If any person, for the purpose of obtaining Penalty.
for himself or for any other person, payment of interest or of the capital sum due in respect of any Government security, or the issue of a duplicate security, or the renewal, conversion, consolidation or sub-division of a Government security or securities, makes to any authority under this regulation, a statement which is false and which he either knows to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) No Court shall take cognizance of any offence under sub-section (1) save on the complaint of the authority to whom the false statement was made.

Rules.

23. (1) The Government may after previous publi- Power to
make rules.
cation make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely.—

(a) the manner in which payment of interest in respect of Government securities is to be made and acknowledge;

(b) the circumstances in which Government securities must be renewed before further payment of interest thereon can be claimed;

(c) the fees to be paid in respect of the issue of duplicate securities and of the renewal, conversion, consolidation and sub-division of Government securities;

(d) the proof which is to be produced by persons applying for duplicate securities;

(e) the form and manner of publication of the notification mentioned in sub-section (2) of Section (9) and the manner of publication of the list mentioned in sub-section (3) of that section;

(f) the officer who is to exercise all or any of the powers and to perform all or any of the duties referred to in Sections 9, 10, 11, 12, 14, 18 and 20;

(g) the manner of making the inquiry mentioned in the proviso to Section 11;

(h) the circumstances and the manner in which securities other than securities payable to bearer or promissory notes are to be renewed ;

(i) the form in which securities delivered for discharge, renewal, conversion, consolidation or sub-division are to be receipted ;

(j) the conditions subject to which securities may be converted, consolidated or sub-divided ;

(k) the person to whom and the manner in which payments are to be made in respect of Government securities standing in the name of, or held by, minors or persons who are insane and incapable of managing their affairs ;

(l) the taking of indemnities against adverse claims of third parties from persons who receive payment of interest or of the capital sum due in respect of Government securities, or who obtain duplicate, renewed, converted, consolidated or sub-divided securities ;

(m) the manner in which any document relating to Government securities or any indorsement on a Government promissory note may, on the demand of any person who from any cause is unable to write, be executed on his behalf ;

(n) enabling holders of Government stock to be described in the registers of such stock as trustees, and either as trustees of any particular trust or as trustees without qualification, and for the recognition of powers of attorney granted by holders of stock so described ;

(o) the holding of Government stock by the holders of offices other than public offices, and the manner in which and the conditions subject to which stock so held may be transferred ;

(p) the mode of attestation of documents relating to Government stock ;

(q) generally, all matters connected with the grant of duplicate, renewed, converted, consolidated and sub-divided securities ; and

(r) the circumstances and the manner in which and the condition subject to which inspection of securities, books, registers and other documents may be allowed or information therefrom may be given under Section 21.

(3) Nothing in any rules made under clauses (n) and (o) shall, as between any trustees or as between any trustees and the beneficiaries under a trust, be deemed to

authorise the trustees to act otherwise than in accordance with the rules of law applying to the trust and the terms of the instrument constituting the trust ; and neither the Government nor any person holding or acquiring any interest in any Government stock shall by reason only of any entry in any register maintained by or on behalf of the Government in relation to any Government stock or any stockholder, or of anything in any document relating to Government stock, be affected with notice of any trust or of the fiduciary character of any stockholder or of any fiduciary obligation attaching to the holding of any Government stock.

(4) Rules made under this section shall be published in the Official Gazette, and shall thereupon have effect as if enacted in this Regulation.

Repeals.

24. On and from the date on which this Regulation comes into force, the Government Securities Regulation, 1894, shall be repealed.

REGULATION IX OF 1925.

The Ancient Monuments Preservation Regulation, 1925.

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REGULATION IX OF 1925.

*(Received the assent of His Highness the Maharaja
on the 9th day of July 1925.)*

**A Regulation to Provide for the Preservation of Ancient
Monuments and of Objects of Archaeological, Historical
or Artistic Interest.**

Whereas it is expedient to provide for the preservation of ancient monuments, for the exercise of control over traffic on antiquities and over excavation in certain places and for the protection and acquisition in certain cases of ancient monuments and of objects of archaeological, historical or artistic interest ; His Highness the Maharaja is pleased to enact as follows :—

1. (1) This Regulation may be called the Ancient Monuments Preservation Regulation, 1925. Short title and extent.

(2) It extends to the whole of Mysore.

2. In this Regulation, unless there is anything repugnant in the subject or context, — Definitions.

(1) “ancient monument” means any structure, erection or monument, or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith, which is of historical, archaeological or artistic interest, or any remains thereof and includes,—

(a) the site of an ancient monument ;

(b) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument ; and

(c) the means of access to and convenient inspection of an ancient monument ;

(2) “antiquities” include any movable objects which the Government, by reason of their historical or archaeological associations, may think it necessary to protect against injury, removal or dispersion ;

(3) “Commissioner” includes any officer authorized by the Government to perform the duties of a Commissioner under this Regulation ;

(4) "maintain" and "maintenance" include the fencing, covering in, repairing, restoring and cleansing of a protected monument, and the doing of any act which may be necessary for the purpose of maintaining a protected monument or of securing convenient access thereto;

(5) "land" includes a revenue-free estate, a revenue-paying estate, and a permanent transferable tenure, whether such estate or tenure be subject to incumbrances or not; and

(6) "owner" includes a joint owner invested with powers of management on behalf of himself and other joint owners, and any manager or trustee exercising powers of management over an ancient monument, and the successor in title of any such owner and the successor in office of any such manager or trustee:—

Provided that nothing in this Regulation shall be deemed to extend the powers which may lawfully be exercised by such manager or trustee.

**Protected
monuments.**

3. (1) The Government may, by notification in the Official Gazette, declare an ancient monument to be a protected monument within the meaning of this Regulation.

(2) A copy of every notification published under sub-section (1) shall be fixed up in a conspicuous place on or near the monument, together with an intimation that any objections to the issue of the notification received by the Government within two months from the date when it is so fixed up will be taken into consideration.

(3) On the expiry of the said period of two months, the Government, after considering the objections, if any, shall confirm or withdraw the notification.

(4) A notification published under this section shall, unless and until it is withdrawn, be conclusive evidence of the fact that the monument to which it relates is an ancient monument within the meaning of this Regulation.

Ancient Monuments.

**Acquisition of
rights in or
guardianship
of an ancient
monument.**

4. (1) The Deputy Commissioner, with the sanction of the Government, may purchase or take a lease of any protected monument.

(2) The Deputy Commissioner, with the like sanction, may accept a gift or bequest of any protected monument.

(3) The owner of any protected monument may, by written instrument, constitute the Commissioner the guardian of the monument, and the Commissioner may, with the sanction of the Government, accept such guardianship.

(4) When the Commissioner has accepted the guardianship of a monument under sub-section (3), the owner shall, except as expressly provided in this Regulation have the same estate, right, title and interest in and to the monument as if the Commissioner had not been constituted guardian thereof.

(5) When the Commissioner has accepted the guardianship of a monument under sub-section (3), the provisions of this Regulation relating to agreements executed under Section 5 shall apply to the written instrument executed under the said sub-section.

(6) Where a protected monument is without an owner, the Commissioner may assume the guardianship of the monument

5. (1) The Deputy Commissioner may, with the previous sanction of the Government, propose to the owner to enter into an agreement with the Government of Mysore for the preservation of any protected monument in his district.

Preservation
of ancient
monument by
agreement.

(2) an agreement under this section may provide for the following matters, or for such of them as it may be found expedient to include in the agreement :—

(a) the maintenance of the monument ;

(b) the custody of the monument, and the duties of any person who may be employed to watch it ;

(c) the restriction of the owner's right to destroy, remove, alter or deface the monument or to build on or near the site of the monument ;

(d) the facilities of access to be permitted to the public or to any portion of the public and to persons deputed by the owner or the Deputy Commissioner to inspect or maintain the monument ;

(e) the notice to be given to the Government in case the land on which the monument is situated is offered for sale by the owner, and the right to be reserved to the Government to purchase such land, or any specified portion of such land, at its market value ;

(f) the payment of any expenses incurred by the owner or by the Government in connection with the preservation of the monument ;

(g) the proprietary or other rights which are to vest in the Government in respect of the monument when any expenses are incurred by the Government in connection with the preservation of the monument;

(h) the appointment of an authority to decide any dispute arising out of the agreement; and

(i) any matter connected with the preservation of the monument which is a proper subject of agreement between the owner and the Government.

(3) An agreement under this section may be executed by the Deputy Commissioner on behalf of the Government of Mysore, but shall not be so executed until it has been approved by the Government.

(4) The terms of an agreement under this section may be altered from time to time with the sanction of the Government and with the consent of the owner.

(5) With the previous sanction of the Government, the Deputy Commissioner may terminate an agreement under this section on giving six months' notice in writing to the owner.

(6) The owner may terminate an agreement under this section on giving six months' notice to the Deputy Commissioner.

(7) An agreement under this section shall be binding on any person claiming to be owner of the monument to which it relates, through or under a party by whom or on whose behalf the agreement was executed.

(8) Any rights acquired by Government in respect of expenses incurred in protecting or preserving a monument shall not be affected by the termination of an agreement under this section.

owners under
disability or
not in possession.

6. (1) If the owner is unable, by reason of infancy or other disability to act for himself, the person legally competent to act on his behalf may exercise powers conferred upon an owner by Section 5.

(2) In the case of village property, the head man or other village officer exercising powers of management over such property may exercise the powers conferred upon an owner by Section 5.

(3) Nothing in this section shall be deemed to empower any person not being of the same religion as the persons on whose behalf he is acting to make or execute an agreement relating to a protected monument which or any part of which is periodically used for the religious worship or observances of that religion.

7. (1) If the Deputy Commissioner apprehends that the owner or occupier of a monument intends to destroy, remove, alter, deface or imperil the monument or to build on or near the site thereof in contravention of the terms of an agreement for its preservation under Section 5, the Deputy Commissioner may make an order prohibiting any such contravention of the agreement.

Enforcement
of agreement.

(2) If an owner or other person who is bound by an agreement for the preservation or maintenance of a monument under section 5 refuses to do any act which is in the opinion of the Deputy Commissioner necessary to such preservation or maintenance or neglects to do any such act within such reasonable time as may be fixed by the Deputy Commissioner, the Deputy Commissioner may authorize any person to do any such act and the expense of doing any such act or such portion of the expense as the owner may be liable to pay under the agreement may be recovered from the owner as if it were an arrear of land revenue.

(3) A person aggrieved by an order made under this section may appeal to the Commissioner who may cancel or modify it and whose decision shall be final.

8. Every person who purchases, at a sale for arrears of land revenue or any other public demand, an estate or tenure in which is situated a monument in respect of which any instrument has been executed by the owner for the time being, under Section 4 or Section 5 and every person claiming any title to a monument from, through or under an owner who executed any such instrument shall be bound by such instrument.

Purchasers at
certain sales
and persons
claiming
through
owner bound
by instru-
ment executed
by owner.

9. (1) If any owner or other person competent to enter into an agreement under Section 5 for the preservation of a protected monument, refuses or fails to enter into such an agreement when proposed to him by the Deputy Commissioner, and if any endowment has been created for the purpose of keeping such monument in repair, or for that purpose among others, the Deputy Commissioner may institute a suit in the Court of the District Judge, or, if the estimated cost of repairing the monument does not exceed one thousand rupees, may make an application to the District Judge for the proper application of such endowment or part thereof.

Application
of endow-
ment to re-
pair of an
ancient mo-
nument.

(2) On the hearing of an application under sub-section (1), the District Judge may summon and examine the owner and any person whose evidence appears to him

necessary, and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were the decree of a Civil Court.

Compulsory
purchase of
ancient
monument.

10. (1) If the Government apprehends that a protected monument is in danger of being destroyed, injured or allowed to fall into decay, the Government may proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894, as if the preservation of a protected monument were a "public purpose" within the meaning of that Regulation.

(2) The powers of compulsory purchase conferred by sub-section (1) shall not be exercised in the case of—

(a) any monument which or any part of which is periodically used for religious observances; or

(b) any monument which is the subject of a subsisting agreement executed under Section 5.

(3) In any case other than the cases referred to in sub-section (2) the said powers of compulsory purchase shall not be exercised unless the owner or other person competent to enter into an agreement under Section 5 has failed, within such reasonable period as the Deputy Commissioner may fix in this behalf, to enter into an agreement proposed to him under the said section or has terminated or given notice of his intention to terminate such an agreement.

Maintenance
of certain
protected
monuments.

11. (1) The Commissioner shall maintain every monument in respect of which the Government has acquired any of the rights mentioned in Section 4 or which the Government has acquired under Section 10.

(2) When the Commissioner has accepted the guardianship of a monument under Section 4, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself and by his agents, subordinates and workmen, for the purpose of inspecting the monument, and for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

Voluntary
contributions.

12. The Commissioner may receive voluntary contributions towards the cost of maintaining a protected monument and may give orders as to the management and application of any funds so received by him.

Provided that no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

13. (1) A place of worship or shrine maintained by the Government under this Regulation shall not be used for any purpose inconsistent with its character.

Protection of place of worship from misuse, pollution or desecration.

(2) Where the Deputy Commissioner has, under Section 4, purchased or taken a lease of any protected monument, or has accepted a gift or bequest, or the Commissioner has, under the same section, accepted the guardianship thereof, and such monument, or any part thereof, is periodically used for religious worship or observances by any community, the Deputy Commissioner shall make due provision for the protection of such monument or such part thereof, from pollution or desecration—

(a) by prohibiting the entry therein, except in accordance with conditions prescribed with the concurrence of the persons in religious charge of the said monument or part thereof, of any person not entitled so to enter by the religious usages of the community by which the monument or part thereof is used, or

(b) by taking such other action as he may think necessary in this behalf.

14. With the sanction of the Government, the Commissioner may—

Government right in a monument.

(a) where rights have been acquired by Government in respect of any monument under this Regulation by virtue of any sale, lease, gift or will, relinquish the rights so acquired to the person who would for the time being be the owner of the monument if such rights had not been acquired; or

(b) relinquish any guardianship of a monument which he has accepted under this Regulation.

15. (1) Subject to such rules as may after previous publication be made by the Government, the public shall have a right of access to any monument maintained by the Government under this Regulation.

Right of access to certain protected monuments.

(2) In making any rule under sub-section (1), the Government may provide that a breach of it shall be punishable with fine which may extend to twenty rupees.

16. Any person other than the owner who destroys, removes, injures, alters, defaces or imperils a protected monument, and any owner who destroys, removes, injures, alters, defaces or imperils a monument maintained by Government under this Regulation or in respect of which an agreement has been executed under Section 5, and any owner or occupier who contravenes an order made under Section 7, sub-section (1), shall be punishable with fine

Penalties.

which may extend to five thousand rupees or with imprisonment which may extend to three months, or with both.

Traffic in Antiquities.

Power to Government to control traffic in antiquities.

17. (1) If the Government of Mysore apprehend that antiquities are being sold or removed to the detriment of Mysore or of any neighbouring province or State, it may by notification in the Official Gazette, prohibit or restrict the bringing or taking of any antiquities or class of antiquities described in the notification into or out of Mysore or any specified part of Mysore.

(2) Any person who brings or takes or attempts to bring or take any such antiquities into or out of Mysore or any part of Mysore in contravention of a notification issued under sub-section (1) shall be punishable with fine which may extend to five hundred rupees.

(3) Antiquities in respect of which an offence referred to in sub-section (2) has been committed shall be liable to confiscation.

(4) An officer of Police of a grade not lower than Sub-Inspector, duly empowered by the Government in this behalf, may search any cart or other means of conveyance, and may open any baggage or package of goods, if he has reason to believe, that goods in respect of which an offence has been committed under sub-section (2) are contained therein.

(5) A person who complains that the power of search mentioned in sub-section (4) has been vexatiously or improperly exercised, may address his complaint to Government, and the Government shall pass such order and may award such compensation, if any, as appears to it to be just.

Protection of Sculptures, Carvings, Images, Bas-reliefs, Inscriptions or like objects.

Power to Government to control moving of sculptures, carvings or like objects.

18. (1) If the Government considers that any sculptures, carvings, images, bas-reliefs, inscriptions or other like objects ought not to be moved from the place where they are without the sanction of the Government, the Government may, by notification in the Official Gazette, direct that any such object or any class of such objects shall not be moved unless with the written permission of the Deputy Commissioner.

(2) A person applying for the permission mentioned in sub-section (1) shall specify the object or objects which he proposes to move, and shall furnish, in regard to such object or objects, any information which the Deputy Commissioner may require.

(3) If the Deputy Commissioner refuses to grant such permission, the applicant may appeal to the Commissioner, whose decision shall be final.

(4) Any person who moves any object in contravention of a notification issued under sub-section (1), shall be punishable with fine which may extend to five hundred rupees.

(5) If the owner of any property proves to the satisfaction of the Government that he has suffered any loss or damage by reason of the inclusion of such property in a notification published under sub-section (1), the Government shall either—

(a) exempt such property from the said notification;

(b) purchase such property, if it be movable, at its market value;

(c) pay compensation for any loss or damage sustained by the owner of such property, if it be immovable.

19. (1) If the Government apprehends that any object mentioned in a notification issued under Section 18, sub-section (1), is in danger of being destroyed, removed, injured or allowed to fall into decay, the Government may pass orders for the compulsory purchase of such object at its market value, and the Deputy Commissioner shall thereupon give notice to the owner of the object to be purchased.

Purchase of sculptures, carvings or like objects by the Government.

(2) The power of compulsory purchase given by this section shall not extend to—

(a) any image or symbol actually used for the purpose of any religious observance; or

(b) any thing which the owner desires to retain on any reasonable ground personal to himself or to any of his ancestors or to any member of his family.

Excavations.

20. (1) If the Government is of opinion that excavation within the limits of any local area ought to be restricted or regulated for the purpose of protecting

Power to Government to control excavation.

or preserving any ancient monument, the Government may, by notification in the Official Gazette, make rules—

(a) fixing the boundaries of the area to which the rules are to apply; and

(b) prescribing the authority by which, and the terms on which, licenses to excavate may be granted.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(3) A rule made under this section may provide that any person committing a breach thereof shall be punishable with fine which may extend to two hundred rupees.

(4) If any owner or occupier of land included in a notification under sub-section (1), proves to the satisfaction of the Government that he has sustained any loss by reasons of such land being so included, the Government shall pay compensation in respect of such loss.

General.

Assessment
of market
value or com-
pensation.

21. (1) The market value of any property which Government is empowered to purchase at such value under this Regulation or the amount of compensation to be paid by Government in respect of anything done under this Regulation, shall, where any dispute arises touching the amount of such market value or compensation, be ascertained in the manner provided by the Land Acquisition Regulation, 1894, Sections 3, 8 to 34, 45 to 47, 51 and 52, so far as they can be made applicable:

Provided that when making an inquiry under the said Land Acquisition Regulation, 1894, the Deputy Commissioner shall be assisted by two assessors, one of whom shall be a competent person nominated by the Deputy Commissioner and one a person nominated by the owner or, in case the owner fails to nominate an assessor within such reasonable time as may be fixed by the Deputy Commissioner in this behalf, by the Deputy Commissioner.

Jurisdiction.

22. A Magistrate of the third class shall not have jurisdiction to try any person charged with an offence against this Regulation.

Power to
make rules.

23. (1) The Government may make rules for carrying out any of the purposes of this Regulation.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

24. No suit for compensation and no criminal proceeding shall lie against any public servant in respect of any act done or intended to be done in good faith in the exercise of any power conferred by this Regulation.

Protection to
public ser-
vants acting
under Regu-
lation.

REGULATION No. X OF 1925.

*(Received the assent of His Highness the Maharaja
on the fifteenth day of July 1925.)*

**A regulation to amend the Mysore Criminal Tribes
Regulation, 1916.**

Whereas it is expedient to amend the Criminal Tribes Regulation, 1916, His Highness the Maharaja is pleased to enact as follows :—

1. In Section 4 of the Regulation, the words “or of any part thereof” shall be omitted. Amendment
of Section 4.

2. In Section 5 of the Regulation,

Amendment
of Section 5

(a) for the words “a notice” the word “notice” shall be substituted ;

(b) the words “or such part thereof as is directed to be registered” shall be omitted ; and

(c) in the proviso, the words “or part thereof” shall be omitted, and after the word “registration” the words “and may cancel any such exemption” shall be added.

3. In Section 13 of the Regulation, after the word “settled” the following shall be added, *viz.*, “and the District Magistrate of a district, may, by order in writing, vary any notification made under Section 12 or under this section by directing the restriction of such criminal tribe to another area, or, as the case may be, its settlement in another place, in the same district.” Amendment
of Section 13.

4. In Section 15, for the last clause beginning with “and the District Magistrate”, substitute “and all the provisions of this Regulation and the Rules made thereunder shall apply as if such criminal tribe had been registered in that district.” Amendment
of Section 15.

5. In Section 16 of the Regulation, the words “or any part thereof” shall be omitted ; and to the same section the following proviso shall be added, *viz.* :

Amendment
of Section 16.

“Provided that no criminal tribe shall be placed in a settlement unless the necessity for so placing it has been established to the satisfaction of Government after

an enquiry held by such authority and in such manner as may be prescribed."

Amendment
of Section 18

6. In clause (b) of Section 18 of the Regulation the word "like" shall be omitted.

Amendment
of Section 21.

7. In sub-section (2) of Section 21 of the Regulation:—

(a) After clause (e), the following clause shall be inserted, viz., "(ee) the circumstances in which members of a criminal tribe shall be required to possess and produce for inspection certificates of identity, and the manner in which such certificates shall be granted;" and

(b) after clause (h), the following clause shall be inserted, viz., "(hh) the authority by whom and the manner in which the inquiry referred to in Section 16 shall be held."

Amendment
of Section 23.

8. In Section 23 of the Regulation,

(a) to sub-section (1) the words "or with fine which may extend to five hundred rupees, or with both" shall be added,

(b) in sub-section (2) for the words "a rule made under any other clause of" the words "any other rule made under" shall be substituted, and

(c) After sub-section (2) the following sub-section shall be added, viz.:—

(3) any person who commits or is reasonably suspected of having committed an offence made punishable by this section which is not a cognizable offence within the meaning of the Code of Criminal Procedure, 1904, may be arrested without a warrant by any officer in charge of a Police Station or by any Police Officer not below the rank of a Sub-Inspector."

Insertion of
new Sections
28A and 28B.

9. After Section 28 of the Regulation, the following sections shall be inserted, under the heading "Supplemental", namely:—

"28A. The Government if it is satisfied that adequate provision has been made by the law of any Province of British India, or any State in India for the restriction of the movements or the settlement in a place of residence of persons such as are referred to in Section 3, and for securing the welfare of persons so restricted or settled, may, with the consent of the Government of such Province, or State, direct the removal to that Province or State of any criminal tribe for the time being in

Mysore, and may authorise the taking of all measures necessary to effect such removal, provided that no person shall be so removed if the Government is satisfied that he is a subject of His Highness the Maharaja.

28B. The reference to a criminal tribe in Sections 4, 5, 14, 17 and 28A shall be deemed to be references to a criminal tribe or any part thereof and the like references in Sections 11, 13 and 16 shall be deemed to be references to a criminal tribe or any part or member thereof."

The Mysore Insolvency Regulation, 1925.

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REGULATION XI OF 1925.

(Received the assent of His Highness the Maharaja, on the 30th day of September 1925.)

A Regulation to consolidate and amend the Law relating to Insolvency in Mysore.

WHEREAS it is expedient to consolidate and amend the law relating to Insolvency in Mysore, His Highness the Maharaja is pleased to enact as follows:—

1. (1) This Regulation may be called the Mysore Insolvency Regulation, 1925. Short title and extent.

(2) It extends to the whole of Mysore.

2. (1) In this Regulation, unless there is anything repugnant in the subject or context:— Definitions.

(a) “creditor” includes a decree-holder, “debt” includes a judgment-debt, and “debtor” includes a judgment-debtor;

(b) “District Court” means the principal Civil Court of original jurisdiction;

(c) “prescribed” means prescribed by rules made under this Regulation;

(d) “property” includes any property over which or the profits of which any person has a disposing power which he may exercise for his own benefit;

(e) “secured creditor” means a person holding a mortgage, charge or lien on the property of the debtor or any part thereof as a security for a debt due to him from the debtor; and

(f) “transfer of property” includes a transfer of any interest in property and the creation of any charge upon property.

(2) Words and expressions used in this Regulation and defined in the Code of Civil Procedure, 1911, and not hereinbefore defined shall have the same meanings as those respectively attributed to them by the said Code.

PART I.

CONSTITUTION AND POWERS OF COURT.

Insolvency
jurisdiction.

3. The jurisdiction under this Regulation shall be exercised by the District Courts :

Provided that the Government may, by notification in the official Gazette, invest any Court subordinate to a District Court with jurisdiction in any class of cases, and any Court so invested shall within the local limits of its jurisdiction have concurrent jurisdiction with the District Court under this Regulation.

Power of
Court to
decide all
questions
arising in
insolvency.

4. (1) Subject to the provisions of this Regulation, the Court shall have full power to decide all questions whether of title or priority, or of any nature whatsoever, and whether involving matters of law or of fact, which may arise in any case of insolvency coming within the cognisance of the Court or which the Court may deem it expedient or necessary to decide for the purpose of doing complete justice or making a complete distribution of property in any such case.

(2) Subject to the provisions of this Regulation and notwithstanding anything contained in any other law for the time being in force, every such decision shall be final and binding for all purposes as between, on the one hand, the debtor and the debtor's estate and, on the other hand, all claimants against him or it and all persons claiming through or under them or any of them.

(3) Where the Court does not deem it expedient or necessary to decide any question of the nature referred to in sub-section (1), but has reason to believe that the debtor has a saleable interest in any property, the Court may without further inquiry sell such interest in such manner and subject to such conditions as it may think fit.

General
powers of
court.

5. (1) Subject to the provisions of this Regulation, the Court, in regard to proceedings under this Regulation, shall have the same powers and shall follow the same procedure as it has and follows in the exercise of original civil jurisdiction.

(2) Subject as aforesaid, the Chief Court and District Courts, in regard to proceedings under this Regulation in Courts subordinate to them, shall have the same powers and shall follow the same procedure as they respectively have and follow in regard to civil suits.

PROCEEDINGS FROM ACT OF INSOLVENCY TO DISCHARGE.

Acts of Insolvency.

6. A debtor commits an act of insolvency in each of the following cases, namely :— Acts of insolvency.

(a) if, in Mysore or elsewhere, he makes a transfer of all or substantially all his property to a third person for the benefit of his creditors generally ;

(b) if, in Mysore or elsewhere, he makes a transfer of his property or of any part thereof with intent to defeat or delay his creditors ;

(c) if, in Mysore or elsewhere, he makes any transfer of his property, or of any part thereof, which would, under this or any other enactment for the time being in force, be void as a fraudulent preference if he were adjudged an insolvent ;

(d) if, with intent to defeat or delay his creditors—

(i) he departs or remains out of Mysore,

(ii) he departs from his dwelling-house or usual place of business or otherwise absents himself,

(iii) he secludes himself so as to deprive his creditors of the means of communicating with him ;

(e) if any of his property has been sold in execution of the decree of any Court for the payment of money ;

(f) if he petitions to be adjudged an insolvent under the provisions of this Regulation ;

(g) if he gives notice to any of his creditors that he has suspended, or that he is about to suspend payment of his debts ; or

(h) if he is imprisoned in execution of the decree of any Court for the payment of money.

Explanation.—For the purpose of this section the act of an agent may be the act of the principal.

Petition.

7. Subject to the conditions specified in this Regulation, if a debtor commits an act of insolvency, an insolvency petition may be presented either by a creditor or by the debtor, and the Court may on such petition make an order (hereinafter called an order of adjudication) adjudging him an insolvent. Petition and adjudication.

Explanation.—The presentation of a petition by the debtor shall be deemed an act of insolvency within the meaning of this section, and on such petition the Court may make an order of adjudication.

Exemption of corporation, etc., from insolvency proceedings.

8. No insolvency petition shall be presented against any corporation or against any association or company registered under any enactment for the time being in force.

Conditions on which creditor may petition.

9. (1) A creditor shall not be entitled to present an insolvency petition against a debtor unless—

(a) the debt owing by the debtor to the creditor, or, if two or more creditors join in the petition, the aggregate amount of debts owing to such creditors amounts to five hundred rupees, and

(b) the debt is a liquidated sum payable either immediately or at some certain future time, and

(c) the act of insolvency on which the petition is grounded has occurred within three months before the presentation of the petition.

(2) If the petitioning creditor is a secured creditor, he shall in his petition either state that he is willing to relinquish his security for the benefit of the creditors in the event of the debtor being adjudged insolvent, or give an estimate of the value of the security. In the latter case, he may be admitted as a petitioning creditor to the extent of the balance of the debt due to him after deducting the value so estimated in the same way as if he were an unsecured creditor.

Conditions on which debtor may petition.

10. (1) A debtor shall not be entitled to present an insolvency petition, unless he is unable to pay his debts and—

(a) his debts amount to five hundred rupees; or

(b) he is under arrest or imprisonment in execution of the decree of any Court for the payment of money; or

(c) an order of attachment in execution of such a decree has been made, and is subsisting, against his property.

(2) A debtor in respect of whom an order of adjudication made under this Regulation has been annulled, owing to his failure to apply, or to prosecute an application for his discharge shall not be entitled to present an insolvency petition without the leave of the Court by which the order of adjudication was annulled. Such

Court shall not grant leave unless it is satisfied either that the debtor was prevented by any reasonable cause from presenting or prosecuting his application, as the case may be, or that the petition is founded on facts substantially different from those contained in the petition on which the order of adjudication was made.

11. Every insolvency petition shall be presented to a Court having jurisdiction under this Regulation in any local area in which the debtor ordinarily resides or carries on business, or personally works for gain, or if he has been arrested or imprisoned, where he is in custody :

Court to which petition shall be presented.

Provided that no objection as to the place of presentment shall be allowed by any Court in the exercise of appellate or revisional jurisdiction unless such objection was taken in the Court by which the petition was heard at the earliest possible opportunity, and unless there has been a consequent failure of justice.

12. Every insolvency petition shall be in writing and shall be signed and verified in the manner prescribed by the Code of Civil Procedure, 1911, for signing and verifying plaints.

Verification of petition.

13. (1) Every insolvency petition presented by a debtor shall contain the following particulars, namely:—

Contents of petition.

(a) a statement that the debtor is unable to pay his debts;

(b) the place where he ordinarily resides or carries on business or personally works for gain, or, if he has been arrested or imprisoned, the place where he is in custody;

(c) the Court (if any) by whose order he has been arrested or imprisoned, or by which an order has been made for the attachment of his property, together with particulars of the decree in respect of which any such order has been made;

(d) the amount and particulars of all pecuniary claims against him, together with the names and residences of his creditors so far as they are known to, or can by the exercise of reasonable care and diligence be ascertained by him;

(e) the amount and particulars of all his property together with—

(i) a specification of the value of all such property not consisting of money,

(ii) the place or places at which any such property is to be found, and

(iii) a declaration of his willingness to place at the disposal of the Court all such property save in so far as it includes such particulars (not being his books of account) as are exempted by the Code of Civil Procedure, 1911, or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree ;

(f) a statement whether the debtor has on any previous occasion filed a petition to be adjudged an insolvent, and (where such a petition has been filed)—

(i) if such petition has been dismissed, the reasons for such dismissal, or

(ii) if the debtor has been adjudged an insolvent, concise particulars of the insolvency, including a statement whether any previous adjudication has been annulled and, if so, the grounds therefor.

(2) Every insolvency petition presented by a creditor or creditors shall set forth the particulars regarding the debtor specified in clause (b) of sub-section (1), and shall also specify—

(a) the act of insolvency committed by such debtor, together with the dates of its commission ; and

(b) the amount and particulars of his or their pecuniary claim or claims against such debtor.

Withdrawal
of petitions.

14. No petition, whether presented by a debtor or by a creditor, shall be withdrawn without the leave of the Court.

Consolidation
of petitions.

15. Where two or more insolvency petitions are presented against the same debtor, or where separate petitions are presented against joint debtors, the Court may consolidate the proceedings or any of them, on such terms as the Court thinks fit.

Power to
change
carriage of
proceedings.

16. Where the petitioning creditor does not proceed with due diligence on his petition, the Court may substitute as petitioner any other creditor to whom the debtor may be indebted in the amount required by this Regulation in the case of a petitioning creditor.

Continuance
of proceed-
ings on death
of debtor.

17. If a debtor by or against whom an insolvency petition has been presented dies, the proceedings in the matter shall, unless the Court otherwise orders, be continued so far as may be necessary for the realisation and distribution of the property of the debtor.

18. The procedure laid down in the Code of Civil Procedure, 1911, with respect to the admission of plaints, shall, so far as it is applicable, be followed in the case of insolvency petitions. Procedure
for admission
of petition.

19. (1) Where an insolvency petition is admitted, the Court shall make an order fixing a date for hearing the petition. Procedure on
admission of
petition.

(2) Notice of the order under sub-section (1) shall be given to creditors in such manner as may be prescribed.

(3) Where the debtor is not the petitioner, notice of the order under sub-section (1) shall be served on him in the manner provided for the service of summons.

20. The Court when making an order admitting the petition may, and where the debtor is the petitioner ordinarily shall appoint an interim receiver of the property of the debtor or of any part thereof, and may direct him to take immediate possession thereof or of any part thereof, and the interim receiver shall thereupon have such of the powers conferrable on a receiver appointed under the Code of Civil Procedure, 1911, as the Court may direct. If an interim receiver is not so appointed, the Court may make such appointment at any subsequent time before adjudication, and the provisions of this section shall apply accordingly. Appointment
of interim
receiver.

21. At the time of making an order admitting the petition or at any subsequent time before adjudication, the Court may either of its own motion or on the application of any creditor make one or more of the following orders, namely:-- Interim pro-
ceedings
against
debtor.

(1) order the debtor to give reasonable security for his appearance until final orders are made upon the petition, and direct that, in default of giving such security, he shall be detained in the civil prison ;

(2) order the attachment by actual seizure of the whole or any part of the property in the possession or under the control of the debtor, other than such particulars (not being his books of account) as are exempted by the Code of Civil Procedure, 1911, or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree ;

(3) order a warrant to issue with or without bail for the arrest of the debtor, and direct either that he be detained in the civil prison until the disposal of the petition, or that he be released on such terms as to security as may be reasonable and necessary :

Provided that an order under clause (2) or clause (3) shall not be made unless the Court is satisfied that the debtor, with intent to defeat or delay his creditors or to avoid any process of the Court,—

(i) has absconded or has departed from the local limits of the jurisdiction of the Court, or is about to abscond or to depart from such limits, or is remaining outside them, or

(ii) has failed to disclose or has concealed, destroyed, transferred or removed from such limits, or is about to conceal, destroy, transfer or remove from such limits, any documents likely to be of use to his creditors in the course of the hearing, or any part of his property other than such particulars as aforesaid.

Duties of
debtors.

22. The debtor shall on the making of an order admitting the petition produce all books of account, and shall at any time thereafter give such inventories of his property, and such lists of his creditors and debtors and of the debts due to and from them, respectively, submit to such examination in respect of his property or his creditors, attend at such times before the Court or receiver, execute such instruments, and generally do all such acts and things in relation to his property as may be required by the Court or receiver, or as may be prescribed.

Release of
debtors.

23. (1) At the time of making an order admitting the petition or at any subsequent time before adjudication, the Court may, if the debtor is under arrest or imprisonment in execution of the decree of any Court for the payment of money, order his release on such terms as to security as may be reasonable and necessary.

(2) The Court may at any time order any person who has been released under this section to be re-arrested and recommitted to the custody from which he was released.

(3) At the time of making any order under this section, the Court shall record in writing its reasons therefor.

Procedure at
hearing.

24. (1) On the day fixed for the hearing of the petition, or on any subsequent day to which the hearing may be adjourned, the Court shall require proof of the following matters, namely:—

(a) that the creditor or the debtor, as the case may be, is entitled to present the petition :

Provided that, where the debtor is the petitioner, he shall, for the purpose of proving his inability to pay his debts, be required to furnish only such proof as to satisfy the Court that there are *prima facie* grounds for believing the same and the Court, if and when so satisfied shall not be bound to hear any further evidence thereon ;

(b) that the debtor, if he does not appear on a petition presented by a creditor, has been served with notice of the order admitting the petition ; and

(c) that the debtor has committed the act of insolvency alleged against him.

(2) The Court shall also examine the debtor, if he is present, as to his conduct, dealings and property in the presence of such creditors as appear at the hearing, and the creditors shall have the right to question the debtor thereon.

(3) The Court shall, if sufficient cause is shown, grant time to the debtor or to any creditor to produce any evidence which appears to it to be necessary for the proper disposal of the petition.

(4) A memorandum of the substance of the examination of the debtor and of any other oral evidence given shall be made by the Judge, and shall form part of the record of the case.

25. (1) In the case of a petition presented by a creditor where the Court is not satisfied with the proof of his right to present the petition or of the service on the debtor of notice of the order admitting the petition, or of the alleged act of insolvency, or is satisfied by the debtor that he is able to pay his debts, or that for any other sufficient cause no order ought to be made, the Court shall dismiss the petition. Dismissal of petition.

(2) In the case of a petition presented by a debtor, the Court shall dismiss the petition if it is not satisfied of his right to present the petition.

26. (1) Where a petition presented by a creditor is dismissed under sub-section (1) of section 25, and the Court is satisfied that the petition was frivolous, or vexatious, the Court may on the application of the debtor, award against such creditor such amount, not exceeding one thousand rupees, as it deems a reasonable compensation to the debtor for the expense or injury occasioned to him by the petition and the proceedings thereon, and such amount may be realised as if it were a fine. Award of compensation.

(2) An award under this section shall bar any suit for compensation in respect of such petition and the proceedings thereon.

Order of Adjudication.

Order of
adjudication.

27. (1) If the Court does not dismiss the petition, it shall make an order of adjudication, and shall specify in such order the period within which the debtor shall apply for his discharge.

(2) The Court may, if sufficient cause is shown, extend the period within which the debtor shall apply for his discharge, and in that case shall publish notice of the order in such manner as it thinks fit.

Effect of an
order of
adjudication.

28. (1) On the making of an order of adjudication, the insolvent shall aid to the utmost of his power in the realisation of his property and the distribution of the proceeds among his creditors.

(2) On the making of an order of adjudication, the whole of the property of the insolvent shall vest in the Court or in a receiver as hereinafter provided, and shall become divisible among the creditors, and thereafter, except as provided by this Regulation, no creditor to whom the insolvent is indebted in respect of any debt provable under this Regulation shall during the pendency of the insolvency proceedings, have any remedy against the property of the insolvent in respect of the debt, or commence any suit or other legal proceeding, except with the leave of the Court and on such terms as the Court may impose.

(3) For the purposes of sub-section (2) all goods being at the date of the presentation of the petition on which the order is made in the possession, order or disposition of the insolvent in his trade or business, by the consent and permission of the true owner, under such circumstances that he is the reputed owner thereof, shall be deemed to be the property of the insolvent.

(4) All property which is acquired by or devolves on the insolvent after the date of an order of adjudication and before his discharge shall forthwith vest in the Court or receiver, and the provisions of sub-section (2) shall apply in respect thereof.

(5) The property of the insolvent for the purposes of this section shall not include any property (not being books of account) which is exempted by the Code of Civil

Procedure, 1911, or by any other enactment for the time being in force from liability to attachment and sale in execution of a decree.

(6) Nothing in this section shall affect the power of any secured creditor to realise or otherwise deal with his security, in the same manner as he would have been entitled to realise or deal with it if this section had not been passed.

(7) An order of adjudication shall relate back to and take effect from, the date of the presentation of the petition on which it is made.

29. Any Court in which a suit or other proceeding is pending against a debtor shall, on proof that an order of adjudication has been made against him under this Regulation, either stay the proceeding, or allow it to continue on such terms as such Court may impose. Stay of pending proceeding.

30. Notice of an order of adjudication stating the name, address and description of the insolvent, the date of the adjudication, the period within which the debtor shall apply for his discharge, and the Court by which the adjudication is made, shall be published in the Official Gazette and in such other manner as may be prescribed. Publication of order of adjudication.

Proceedings consequent on Order of Adjudication.

31. (1) Any insolvent in respect of whom an order of adjudication has been made may apply to the Court for protection, and the Court may on such application make an order for the protection of the insolvent from arrest or detention. Protection order.

(2) A protection order may apply either to all the debts of the debtor, or to any of them as the Court may think proper, and may commence and take effect at and for such time as the Court may direct, and may be revoked or renewed as the Court may think fit.

(3) A protection order shall protect the insolvent from being arrested or detained in prison for any debt to which such order applies, and any insolvent arrested or detained contrary to the terms of such an order shall be entitled to his release:

Provided that no such order shall operate to prejudice the right of any creditor in the event of such order being revoked or the adjudication annulled.

(4) Any creditor shall be entitled to appear and oppose the grant of a protection order.

Power to
arrest after
adjudication.

32. At any time after an order of adjudication has been made, the Court may, if it has reason to believe on the application of any creditor or the receiver, that the debtor has absconded or departed from the local limits of its jurisdiction with intent to avoid any obligation which has been or might be, imposed on him by or under this Regulation, order a warrant to issue for his arrest, and on his appearing or being brought before it, may, if satisfied that he was absconding or had departed with such intent, order his release on such terms as to security as may be reasonable or necessary, or if such security is not furnished direct that he shall be detained in the civil prison for a period which may extend to three months.

Schedule of
creditors.

33. (1) When an order of adjudication has been made under this Regulation, all persons alleging themselves to be creditors of the insolvent in respect of debts provable under this Regulation, shall tender proof of their respective debts by producing evidence of the amount and particulars thereof, and the Court shall, by order, determine the persons who have proved themselves to be creditors of the insolvent in respect of such debts, and the amount of such debts, respectively, and shall frame a schedule of such persons and debts :

Provided that, if, in the opinion of the Court, the value of any debts is incapable of being fairly estimated, the Court may make an order to that effect, and thereupon the debt shall not be included in the schedule.

(2) A copy of every such schedule shall be posted in the Court-house.

(3) Any creditor of the insolvent may, at any time before the discharge of the insolvent, tender proof of the debt and apply to the Court for an order directing his name to be entered in the schedule as a creditor in respect of any debt provable under this Regulation, and not entered in the schedule, and the Court, after causing notice to be served on the insolvent and the other creditors who have proved their debts, and hearing their objections (if any), shall comply with or reject the application.

Debts
provable
under the
Regulation.

34. (1) Debts which have been excluded from the schedule on the ground that their value is incapable of being fairly estimated and demands in the nature of unliquidated damages arising otherwise than by reason of a contract or a breach of trust shall not be provable under this Regulation.

(2) Save as provided by sub-section (1), all debts and liabilities, present or future, to which the debtor is subject when he is adjudged an insolvent, or to which he may become subject before his discharge by reason of any obligation incurred before the date of such adjudication, shall be deemed to be debts provable under this Regulation.

Annulment of Adjudication.

35. Where, in the opinion of the Court, a debtor ought not to have been adjudged insolvent, or where it is proved to the satisfaction of the Court that the debts of the insolvent have been paid in full, the Court shall, on the application of the debtor, or of any other person interested, by order in writing, annul the adjudication.

Power to annul adjudication of insolvency.

36. If, in any case in which an order of adjudication has been made, it shall be proved to the Court by which such order was made that insolvency proceedings are pending in another Court against the same debtor, and that the property of the debtor can be more conveniently distributed by such other Court, the Court may annul the adjudication or stay all proceedings thereon.

Power to cancel one of concurrent orders of adjudication.

37. (1) Where an adjudication is annulled, all sales and dispositions of property and payments duly made, and all acts theretofore done, by the Court or receiver, shall be valid; but, subject as aforesaid, the property of the debtor who was adjudged insolvent shall vest in such person as the Court may appoint, or, in default of any such appointment, shall revert to the debtor to the extent of his right or interest therein on such conditions (if any) as the Court may, by order in writing, declare.

Proceedings on annulment.

(2) Notice of every order annulling an adjudication shall be published in the Official Gazette and in such other manner as may be prescribed.

Compositions and Schemes of Arrangement.

38. (1) Where a debtor after the making of an order of adjudication, submits a proposal for a composition in satisfaction of his debts, or a proposal for a scheme of arrangement of his affairs, the Court shall fix a date for the consideration of the proposal, and shall issue a notice to all creditors in such manner as may be prescribed.

Compositions and schemes of arrangement.

(2) If, on the consideration of the proposal, a majority in number and three-fourths in value of all the creditors

whose debts are proved and who are present in person or by pleader, resolve to accept the proposal, the same shall be deemed to be duly accepted by the creditors.

(3) The debtor may at the meeting amend the terms of his proposal if the amendment is, in the opinion of the Court, calculated to benefit the general body of creditors.

(4) Where the Court is of opinion, after hearing the report of the receiver, if a receiver has been appointed, and after considering any objections which may be made by or on behalf of any creditor, that the terms of the proposal are not reasonable or are not calculated to benefit the general body of creditors, the Court shall refuse to approve the proposal.

(5) If any facts are proved on proof of which the Court would be required either to refuse, suspend or attach conditions to the debtor's discharge, the Court shall refuse to approve the proposal unless it provides reasonable security for payment of not less than six annas in the rupee on all the unsecured debts provable against the debtor's estate.

(6) No composition or scheme shall be approved by the Court which does not provide for the payment in priority to other debts of all debts directed to be so paid in the distribution of the property of an insolvent.

(7) In any other case the Court may either approve or refuse to approve the proposal.

Order on
approval.

39. If the Court approves the proposal, the terms shall be embodied in an order of the Court, and the Court shall frame a schedule in accordance with the provisions of section 33, the order of adjudication shall be annulled, and the provisions of section 37 shall apply, and the composition or scheme shall be binding on all the creditors entered in the said schedule so far as relates to any debts entered therein.

Power to
re-adjudge
debtor insol-
vent.

40. If default is made in the payment of any instalment due in pursuance of the composition or scheme, or if it appears to the Court that the composition or scheme cannot proceed without injustice or undue delay, or that the approval of the Court was obtained by fraud, the Court may, if it thinks fit, re-adjudge the debtor insolvent and annul the composition or scheme but without prejudice to the validity of any transfer or payment duly made or of anything duly done under or in pursuance of the composition or scheme. When a debtor is re-adjudged

insolvent under this section, all debts provable in other respects which have been contracted before the date of such re-adjudication shall be provable in the insolvency.

Discharge.

41. (1) A debtor may, at any time after the order of adjudication and shall, within the period specified by the Court, apply to the Court for an order of discharge, and the Court shall fix a day, notice whereof shall be given in such manner as may be prescribed, for hearing such application, and any objections which may be made thereto. Discharge.

(2) Subject to the provisions of this section, the Court, may, after considering the objections of any creditor and, where a receiver has been appointed, the report of the receiver,

(a) grant or refuse an absolute order of discharge ;
or

(b) suspend the operation of the order for a specified time ; or

(c) grant an order of discharge subject to any condition with respect to any earnings or income which may afterwards become due to the insolvent, or with respect to his after-acquired property.

42. (1) The Court shall refuse to grant an absolute order of discharge under section 41 on proof of any of the following facts, namely :—

Cases in which Court must refuse an absolute discharge.

(a) that the insolvent's assets are not of a value equal to eight annas in the rupee on the amount of his unsecured liabilities unless he satisfies the Court that the fact that the assets are not of a value equal to eight annas in the rupee on the amount of his unsecured liabilities has arisen from circumstances for which he cannot justly be held responsible ;

(b) that the insolvent has omitted to keep such books of account as are usual and proper in the business carried on by him and as sufficiently disclose his business transactions and financial position within the three years immediately preceding his insolvency ;

(c) that the insolvent has continued to trade after knowing himself to be insolvent ;

(d) that the insolvent has contracted any debt provable under this Regulation without having at the time of contracting it any reasonable or probable ground

of expectation (the burden of proving which shall lie on him) that he would be able to pay it;

(e) that the insolvent has failed to account satisfactorily for any loss of assets or for any deficiency of assets to meet his liabilities;

(f) that the insolvent has brought on, or contributed to, his insolvency by rash and hazardous speculations, or by unjustifiable extravagance in living, or by gambling, or culpable neglect of his business affairs;

(g) that the insolvent has, within three months preceding the date of the presentation of the petition when unable to pay his debts as they became due, given an undue preference to any of his creditors;

(h) that the insolvent has on any previous occasion been adjudged an insolvent or made a composition or arrangement with his creditors;

(i) that the insolvent has concealed or removed his property or any part thereof, or has been guilty of any other fraud or fraudulent breach of trust.

(2) For the purposes of this section, the report of the receiver shall be deemed to be evidence; and the Court may presume the correctness of any statement contained therein.

(3) The powers of suspending, and of attaching conditions to an insolvent's discharge may be exercised concurrently.

Adjudication
to be annulled
on failure to
apply for dis-
charge.

43. (1) If the debtor does not appear on the day fixed for hearing his application for discharge or on such subsequent day as the Court may direct, or if the debtor does not apply for an order of discharge within the period specified by the Court, the order of adjudication shall be annulled, and the provisions of section 37 shall apply accordingly.

(2) Where a debtor has been released from custody under the provisions of this Regulation and the order of adjudication is annulled under sub-section (1), the Court may, if it thinks fit, re-commit the debtor to his former custody, and the officer in charge of the prison to whose custody such debtor is so recommitted shall receive such debtor into his custody according to such re-commitment, and thereupon all processes which were in force against the person of such debtor at the time of such release as aforesaid shall be deemed to be still in force against him as if no order of adjudication had been made.

44. (1) An order of discharge shall not release the insolvent from— Effect of order of discharge.

(a) any debt due to the Government of Mysore ;

(b) any debt or liability incurred by means of any fraud or fraudulent breach of trust to which he was a party ;

(c) any debt or liability in respect of which he has obtained forbearance by any fraud to which he was a party ; or

(d) any liability under an order for maintenance made under section 488 of the Code of Criminal Procedure, 1901.

(2) Save as otherwise provided by sub-section (1), an order of discharge shall release the insolvent from all debts provable under this Regulation.

(3) An order of discharge shall not release any person who at the date of the presentation of the petition, was a partner or co-trustee with the insolvent, or was jointly bound or had made any joint contract with him or any person who was surety for him.

PART III.

ADMINISTRATION OF PROPERTY.

Method of Proof of Debts.

45. A creditor may prove for a debt not payable when the debtor is adjudged an insolvent as if it were payable presently, and may receive dividends equally with the other creditors, deducting therefrom only a rebate of interest at the rate of six per centum per annum computed from the declaration of a dividend to the time when the debt would have become payable, according to the terms on which it was contracted. Debt payable at a future time.

46. Where there have been mutual dealings between an insolvent and a creditor proving or claiming to prove a debt under this Regulation, an account shall be taken of what is due from the one party to the other in respect of such mutual dealings, and the sum due from the one party shall be set off against any sum due from the other party, and the balance of the account, and no more, shall be claimed or paid on either side respectively. Mutual dealings and set off.

Secured
creditor.

47. (1) Where a secured creditor realises his security he may prove for the balance due to him, after deducting the net amount realised.

(2) Where a secured creditor relinquishes his security for the general benefit of the creditors, he may prove for his whole debt.

(3) Where a secured creditor does not either realise or relinquish his security, he shall, before being entitled to have his debt entered in the schedule, state in his proof the particulars of his security, and the value at which he assesses it, and shall be entitled to receive a dividend only in respect of the balance due to him after deducting the value so assessed.

(4) Where a security is so valued, the Court may at any time before realisation redeem it on payment to the creditor of the assessed value.

(5) Where a creditor, after having valued his security, subsequently realises it, the net amount realised shall be substituted for the amount of any valuation previously made by the creditor, and shall be treated in all respects as an amended valuation made by the creditor.

(6) Where a secured creditor does not comply with the provisions of this section, he shall be excluded from all share in any dividend.

Interest.

48. (1) On any debt or sum certain whereon interest is not reserved or agreed for, and which is overdue when the debtor is adjudged an insolvent, and which is provable under this Regulation, the creditor may prove for interest at a rate not exceeding six per centum per annum—

(a) if the debt or sum is payable by virtue of a written instrument at a certain time, from the time when such debt or sum was payable to the date of such adjudication or,

(b) if the debt or sum is payable otherwise, from the time when a demand in writing has been made giving the debtor notice that interest will be claimed from the date of the demand until the time of payment to the date of such adjudication.

(2) Where a debt which has been proved under this Regulation includes interest or any pecuniary consideration in lieu of interest, the interest or consideration shall, for the purposes of dividend be calculated at a rate not exceeding six per centum per annum, without prejudice to the right of a creditor to receive out of the debtor's estate any

higher rate of interest to which he may be entitled after all the debts proved have been paid in full.

49. (1) A debt may be proved under this Regulation Mode of proof. by delivering, or sending by post in a registered letter, to the Court an affidavit verifying the debt.

(2) The affidavit shall contain or refer to a statement of account showing the particulars of the debt, and shall specify the vouchers (if any) by which the same can be substantiated. The Court may at any time call for the production of the vouchers.

50. (1) Where the receiver thinks that a debt has been improperly entered in the schedule, the Court may, on the application of the receiver and after notice to the creditor, and such inquiry (if any) as the Court thinks necessary, expunge such entry or reduce the amount of the debt. Disallowance and reduction of entries in schedule.

(2) The Court may also, after like inquiry, expunge an entry or reduce the amount of a debt upon the application of a creditor where no receiver has been appointed, or where the receiver declines to interfere in the matter or, in the case of a composition or scheme, upon the application of the debtor.

Effect of Insolvency on Antecedent Transactions.

51. (1) Where execution of a decree has issued against the property of a debtor, no person shall be entitled to the benefit of the execution against the receiver except in respect of assets realised in the course of the execution by sale or otherwise before the date of the admission of the petition. Restriction of rights of creditor under execution.

(2) Nothing in this section shall affect the rights of a secured creditor in respect of the property against which the decree is executed.

(3) A person who in good faith purchases the property of a debtor under a sale in execution shall in all cases acquire a good title to it against the receiver.

52. Where execution of a decree has issued against any property of a debtor which is saleable in execution and before the sale thereof notice is given to the Court executing the decree that an insolvency petition by or against the debtor has been admitted, the Court shall, on application, direct the property, if in the possession of the Court, to be delivered to the receiver, but the cost of the suit in which the decree was made and of the Duties of Court executing decree as to property taken in execution.

execution shall be a first charge on the property so delivered, and the receiver may sell the property or an adequate part thereof for the purpose of satisfying the charge.

Avoidance of
voluntary
transfer.

53. Any transfer of property not being a transfer made before or at and in consideration of marriage or made in favour of a purchaser or incumbrancer in good faith and for valuable consideration shall, if the transferor is adjudged insolvent within two years after the date of the transfer, be voidable as against the receiver and may be annulled by the Court.

Avoidance of
preference in
certain cases.

54. (1) Every transfer of property, every payment made, every obligation incurred, and every judicial proceeding taken or suffered by any person unable to pay his debts as they become due from his own money in favour of any creditor, with a view of giving that creditor a preference over the other creditors, shall, if such person is adjudged insolvent on a petition presented within three months after the date thereof, be deemed fraudulent and void as against the receiver, and shall be annulled by the Court.

(2) This section shall not affect the rights of any person who in good faith and for valuable consideration has acquired a title through or under a creditor of the insolvent.

Protection of
bona fide
transactions.

55. Subject to the foregoing provisions of this Regulation with respect to the effect of insolvency on an execution, and with respect to the avoidance of certain transfers and preferences, nothing in this Regulation shall invalidate in the case of an insolvency—

(a) any payment by the insolvent to any of his creditors ;

(b) any payment or delivery to the insolvent ,

(c) any transfer by the insolvent for valuable consideration ; or

(d) any contract or dealing by or with the insolvent for valuable consideration :

Provided that any such transaction takes place before the date of the order of adjudication, and that the person with whom such transaction takes place has not at the time notice of the presentation of any insolvency petition by or against the debtor.

Realisation of Property.

56. (1) The Court may, at the time of the order of adjudication, or at any time afterwards, appoint a receiver for the property of the insolvent and such property shall thereupon vest in such receiver. Appointment of receiver.

(2) Subject to such conditions as may be prescribed the Court may—

(a) require the receiver to give such security as it thinks fit duly to account for what he shall receive in respect of the property; and

(b) by general or special order, fix the amount to be paid as remuneration for the services of the receiver out of the assets of the insolvent.

(3) Where the Court appoints a receiver, it may remove the person in whose possession or custody any such property as aforesaid is from the possession or custody thereof:

Provided that nothing in this section shall be deemed to authorise the Court to remove from the possession or custody of property any person whom the insolvent has not a present right so to remove.

(4) Where a receiver appointed under this section—

(a) fails to submit his accounts at such periods and in such form as the Court directs, or

(b) fails to pay the balance due from him thereon as the Court directs, or

(c) occasions loss to the property by his wilful default or gross negligence, the Court may direct his property to be attached and sold, and may apply the proceeds to make good any balance found to be due from him or any loss so occasioned by him.

(5) The provisions of this section shall apply, so far as may be, to interim receivers appointed under section 20.

57. (1) The Government of Mysore may appoint such persons as it thinks fit (to be called "Official Receivers") to be receivers under this Regulation within such local limits as it may prescribe. Power to appoint Official Receivers.

(2) Where any Official Receiver has been so appointed for the local limits of the jurisdiction of any Court having jurisdiction under this Regulation he shall

be the receiver for the purpose of every order appointing a receiver or an interim receiver issued by any such Court, unless the Court for special reasons otherwise directs.

(3) Any sum payable under clause (b) of subsection (2) of section 56 in respect of the services of an Official Receiver shall be credited to such fund as the Government may direct.

(4) Every Official Receiver shall receive such remuneration out of the said fund or otherwise as the Government may fix in this behalf, and no remuneration whatever beyond that so fixed shall be received by the Official Receiver as such.

58. Where no receiver is appointed, the Court shall have all the rights of, and may exercise all the powers conferred on, a receiver under this Regulation.

59. Subject to the provisions of this Regulation, the receiver shall, with all convenient speed, realise the property of the debtor and distribute dividends among the creditors entitled thereto, and for that purpose may—

(a) sell all or any part of the property of the insolvent;

(b) give receipts for any money received by him; and may, by leave of the Court, do all or any of the following things, namely—

(c) carry on the business of the insolvent so far as may be necessary for the beneficial winding up of the same;

(d) institute, defend or continue any suit or other legal proceeding relating to the property of the insolvent;

(e) employ a pleader or other agent to take any proceedings or do any business which may be sanctioned by the Court;

(f) accept as the consideration for the sale of any property of the insolvent a sum of money payable at a future time subject to such stipulation as to security and otherwise as the Courts think fit;

(g) mortgage or pledge any part of the property of the insolvent for the purpose of raising money for the payment of his debts;

(h) refer any dispute to arbitration, and compromise all debts, claims and liabilities, on such terms as may be agreed upon; and

(i) divide in its existing form amongst the creditors, according to its estimated value any property which from its peculiar nature or other special circumstances, cannot readily or advantageously be sold.

Power of
Court if no
receiver
appointed.

Duties and
power of
receiver.

60. In any local area in which a declaration has been made under section 68 of the Code of Civil Procedure, 1911, and is in force, no sale of immovable property paying revenue to the Government or held or let for agricultural purposes shall be made by the receiver, but, after the other property of the insolvent has been realised, the Court shall ascertain—

Special provisions in regard to immovable property.

(a) the amount required to satisfy the debts proved under this Regulation, after deducting the moneys already received ;

(b) the immovable property of the insolvent remaining unsold ; and

(c) the incumbrances (if any) existing thereon ; and shall forward a statement to the Deputy Commissioner containing the particulars aforesaid ; and thereupon the Deputy Commissioner shall proceed to raise the amount so required by the exercise of such of the powers conferred on him by paragraphs 2 to 10 of the Third Schedule to the said Code as he thinks fit, and subject to the provisions of those paragraphs so far as they are applicable, and shall hold at the disposal of the Court all sums that may come to his hands by the exercise of such powers.

Distribution of Property.

61. (1) In the distribution of the property of the insolvent there shall be paid in priority to all other debts:—

Priority of debts.

(a) all debts due to the Government of Mysore, or to any local authority ; and

(b) all salary or wages, not exceeding twenty rupees in all, of any clerk, servant or labourer in respect of services rendered to the insolvent during four months before the date of the presentation of the petition.

(2) The debts specified in sub-section (1) shall rank equally between themselves, and shall be paid in full, unless the property of the insolvent is insufficient to meet them, in which case, they shall abate in equal proportions between themselves.

(3) Subject to the retention of such sums as may be necessary for the expenses of administration or otherwise, the debts specified in sub-section (1) shall be discharged forthwith in so far as the property of the insolvent is sufficient to meet them.

(4) In the case of partners, the partnership property shall be applicable in the first instance in payment of the partnership debts, and the separate property of each partner shall be applicable in the first instance in payment of his separate debts. Where there is a surplus of the separate property of the partners it shall be dealt with as part of the partnership property; and where there is a surplus of the partnership property, it shall be dealt with as part of the respective separate property in proportion to the rights and interests of each partner in the partnership property.

(5) Subject to the provisions of this Regulation, all debts entered in the schedule shall be paid rateably according to the amounts or such debts respectively and without any preference.

(6) Where there is any surplus after payment of the foregoing debts, it shall be applied in payment of interest from the date on which the debtor is adjudged an insolvent at the rate of six per centum per annum on all debts entered in the schedule.

Calculation of
dividends.

62. (1) In the calculation of dividends, the receiver shall retain in his hands sufficient assets to meet—

(a) debts provable under this Regulation and appearing from the insolvent's statements or otherwise to be due to persons resident in places so distant that in the ordinary course of communication they have not had sufficient time to tender their proofs;

(b) debts provable under this Regulation, the subject of claims not yet determined;

(c) disputed proofs or claims; and

(d) the expenses necessary for the administration of the estate or otherwise.

(2) Subject to the provisions of sub-section (1), all money in hand shall be distributed as dividends.

Right of
creditor who
has not
proved debt
before
distribution of
dividend.

63. Any creditor who has not proved his debt before the declaration of any dividend or dividends shall be entitled to be paid, out of any money for the time being in the hands of the receiver, any dividend or dividends which he may have failed to receive before that money is applied to the payment of any future dividend or dividends; but he shall not be entitled to disturb the distribution of any dividend declared before his debt was proved by reason that he has not participated therein.

64. When the receiver has realised all the property of the insolvent or so much thereof as can, in the opinion of the Court, be realised without needlessly protracting the receivership, he shall declare a final dividend; but before so doing, he shall give notice in manner prescribed to the persons whose claims to be creditors have been notified but not proved, that if they do not prove their claims within the time limited by the notice, he will proceed to make a final dividend without regard to their claims. After the expiration of the time so limited, or if the Court, on application by any such claimant, grants him further time for establishing his claim, then on the expiration of such further time, the property of the insolvent shall be divided among the creditors entered in the schedule without regard to the claims of any other persons.

Final dividend.

65. No suit for a dividend shall lie against the receiver; but where the receiver refuses to pay any dividend, the Court may, on the application of any creditor who is entered in the schedule, order him to pay it, and also to pay out of his own money interest thereon for the time that it is withheld, and the costs of the application.

No suit for dividend.

66. (1) The Court may appoint the insolvent himself to superintend the management of the property of the insolvent or of any part thereof, or to carry on the trade (if any) of the insolvent for the benefit of the creditors and in any other respect to aid in administering the property in such manner and on such terms as the Court may direct.

Management by and a allowance to insolvent.

(2) The Court may, from time to time, make such allowance as it may think just to the insolvent out of his property for the support of himself and his family, or in consideration of his services if he is engaged in winding up his estate; but any such allowance may at any time, be varied or determined by the Court

67. The insolvent shall be entitled to any surplus remaining after payment in full of his creditors with interest as provided by this Regulation, and of the expenses of the proceedings taken thereunder.

Right of insolvent to surplus.

Appeal to Court against receiver.

68. If the insolvent or any of the creditors or any other person is aggrieved by any act or decision of the receiver, he may apply to the Court, and the Court may confirm, reverse, or modify the act or decision complained of, and make such order as it thinks just:

Appeal to Court against receiver.

Provided that no application under this section shall be entertained after the expiration of twenty-one days from the date of the act or decision complained of.

PART IV.

PENALTIES.

Offences by
debtors.

69. If a debtor, whether before or after the making of an order of adjudication,—

(a) wilfully fails to perform the duties imposed on him by section 22 or to deliver up possession of any part of his property which is divisible among his creditors under this Regulation, and which is for the time being in his possession or under his control to the Court or to any person authorised by the Court to take possession of it, or

(b) fraudulently with intent to conceal the state of his affairs or to defeat the objects of this Regulation,

(i) has destroyed or otherwise wilfully prevented or purposely withheld the production of any document relating to such of his affairs as are subject to investigation under this Regulation, or

(ii) has kept or caused to be kept false books, or

(iii) has made false entries in or withheld entries from or wilfully altered or falsified any document relating to such of his affairs as are subject to investigation under this Regulation, or

(c) fraudulently with intent to diminish the sum to be divided among his creditors or to give an undue preference to any of his creditors,

(i) has discharged or concealed any debt due to or from him, or

(ii) has made away with, charged, mortgaged or concealed any part of his property of any kind whatsoever,

he shall be punishable on conviction by the Court with imprisonment which may extend to one year.

Procedure
charge
under section

70. (1) Where the Court is satisfied that there is ground for inquiring into any offence referred to in section 69, the Court shall direct that a notice be served on the debtor in the manner prescribed in the Code of Criminal Procedure, 1904, for service of a summons, calling on him to show cause why a charge or charges should not be framed against him.

(2) The notice shall set forth the substance of the offence, and any number of offences may be set forth in the same notice.

(3) At the hearing of such notice and of any charge framed in pursuance thereof, the Court shall, so far as may be, follow the procedure for the trial of warrant cases by Magistrates prescribed by Chapter XXI of the Code of Criminal Procedure, 1904, and nothing in Chapter XXIII of the said Code relating to trials before Courts of Session shall be applicable to such trial.

(4) Any number of offences under this section may be charged at the same time:

Provided that no debtor shall be sentenced to imprisonment exceeding an aggregate period of two years for offences under this section committed in the course of the same insolvency proceeding.

(5) The Court may, instead of itself inquiring into an offence under section 69, make a complaint thereof in writing to the nearest Magistrate of the first class having jurisdiction, and such Magistrate shall deal with such complaint in the manner laid down in the Code of Criminal Procedure, 1904:

Provided that it shall not be necessary to examine the complainant.

71. Where an insolvent has been guilty of any of the offences specified in section 69, he shall not be exempt from being proceeded against therefor by reason that he has obtained his discharge or that a composition of scheme of arrangement has been accepted or approved.

Criminal liability after discharge or composition.

72. (1) An undischarged insolvent obtaining credit to the extent of fifty rupees or upwards from any person without informing such person that he is an undischarged insolvent shall, on conviction by a Magistrate, be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

Undischarged insolvent obtaining credit.

(2) Where the Court has reason to believe that an undischarged insolvent has committed the offence referred to in sub-section (1), the Court, after making any preliminary inquiry that may be necessary may send the case for the trial to the nearest Magistrate of the first class, and may send the accused in custody or take sufficient security for his appearance before such Magistrate: and may bind over any person to appear and give evidence on such trial.

Disqualifica-
tions of
insolvent.

73. (1) Where a debtor is adjudged or re-adjudged insolvent under this Regulation, he shall, subject to the provisions of this section, be disqualified from—

(a) being appointed or acting as a Magistrate;

(b) being elected to any office of any local authority where the appointment to such office is by election or holding or exercising any such office to which no salary is attached; and

(c) being elected or sitting or voting as member of any local authority.

(2) The disqualifications which an insolvent is subject to under this section shall be removed, and shall cease if,—

(a) the order of adjudication is annulled under section 35, or

(b) he obtains from the Court an order of discharge, whether absolute or conditional, with a certificate that his insolvency was caused by misfortune without any misconduct on his part.

(3) The Court may grant or refuse such certificate as it thinks fit, but any order of refusal shall be subject to appeal.

PART V.

SUMMARY ADMINISTRATION.

Summary
administra-
tion.

74. When a petition is presented by or against a debtor, if the Court is satisfied by affidavit or otherwise that the property of the debtor is not likely to exceed in value five hundred rupees, the Court may make an order that the debtor's estate be administered in a summary manner, and thereupon the provisions of this Regulation shall be subject to the following modifications, namely:—

(i) unless the Court otherwise directs no notice required under this Regulation shall be published in the Official Gazette;

(ii) on the admission of a petition by a debtor, the property of the debtor shall vest in the Court as a receiver;

(iii) at the hearing of the petition, the Court shall inquire into the debts and assets of the debtor and determine the same by order in writing, and it shall not be necessary to frame a schedule under the provisions of section 33;

(vi) the property of the debtor shall be realised with all reasonable despatch and thereafter, when practicable, distributed in a single dividend;

(v) the debtor shall apply for his discharge within six months from the date of adjudication; and

(vi) such other modifications as may be prescribed with the view of saving expense and simplifying procedure:

Provided that the Court may at any time direct that the ordinary procedure provided for in this Regulation shall be followed in regard to the debtor's estate, and thereafter the Regulation shall have effect accordingly.

PART VI.

APPEALS.

75. (1) The debtor, any creditor, the receiver or any other person aggrieved by a decision come to or an order made in the exercise of insolvency jurisdiction by a Court subordinate to a District Court may appeal to the District Court, and the order of the District Court upon such appeal shall be final: Appeals.

Provided that the Chief Court, for the purpose of satisfying itself that an order made in any appeal decided by the District Court was according to law, may call for the case and pass such order with respect thereto as it thinks fit:

Provided, further, that any such person aggrieved by a decision of the District Court on appeal from a decision of a subordinate Court under section 4 may appeal to the Chief Court on any of the grounds mentioned in sub-section (1) of section 100 of the Code of Civil Procedure, 1911.

(2) Any such person aggrieved by any such decision or order of a District Court as is specified in Schedule I, come to or made otherwise than in appeal from an order made by a subordinate Court, may appeal to the Chief Court.

(3) The Chief Court may, for the purpose of satisfying itself as to the legality or correctness of any order of a District Court passed under sub-section (1) or of any order other than those mentioned in sub-section (2), call for the case and pass such order with respect thereto as it thinks fit.

(4) The periods of limitation for appeals to the District Court and to the Chief Court under this section shall be thirty days and ninety days, respectively.

PART VII.

MISCELLANEOUS.

Costs.

76. The cost of any proceedings under this Regulation including the costs of maintaining a debtor in the civil prison, shall subject to any rules made under this Regulation, be in the discretion of the Court in which the proceeding is had.

Courts to be auxiliary to each other.

77. All Courts having jurisdiction in insolvency and the officers of such Courts, respectively, shall severally act in aid of and be auxiliary to each other in all matters of insolvency, and an order of a Court seeking aid with a request to another of the said Courts shall be deemed sufficient to enable the latter Court to exercise, in regard to the matters directed by the order, such jurisdiction as either of such Courts could exercise in regard to similar matters within their respective jurisdictions.

Limitation.

78. (1) The provisions of sections 5 and 12 of the Mysore Limitation Regulation, 1911, shall apply to appeals and applications under this Regulation, and for the purpose of the said section 12, a decision under section 4 shall be deemed to be a decree.

(2) Where an order of adjudication has been annulled under this Regulation, in computing the period of limitation prescribed for any suit or application for the execution of a decree (other than a suit or application in respect of which the leave of the Court was obtained under sub-section (2) of section 28 which might have been brought or made but for the making of an order of adjudication under this Regulation, the period from the date of the order of adjudication to the date of the order of annulment shall be excluded:

Provided that nothing in this section shall apply to a suit or application in respect of a debt provable but not proved under this Regulation.

Power to make rules.

79. (1) The Chief Court may, with the previous sanction of the Government of Mysore, make rules for carrying into effect the provisions of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide:—

(a) for the appointment and remuneration of receivers (other than Official Receivers), the audit of the accounts of all receivers and the costs of such audit,

(b) for meetings of creditors,

(c) for the procedure to be followed where the debtor is a firm, and

(d) for the procedure to be followed in the case of estates to be administered in a summary manner.

(3) All rules made under this section shall be published in the Official Gazette and shall on such publication, have effect as if enacted in this Regulation.

80. (1) The Chief Court, with the like sanction, may from time to time direct that, in any matters in respect of which jurisdiction is given to the Court by this Regulation, the Official Receiver shall subject to the directions of the Court, have all or any of the following powers, namely:—

Delegation of
power to
Official
Receiver.

(a) to hear insolvency petitions, to examine the debtor and to make orders of adjudication;

(b) to frame schedules and to admit or reject proofs of creditors;

(c) to grant orders of discharge;

(d) to approve compositions or schemes of arrangement;

(e) to make interim orders in any case of urgency; and

(f) to hear and determine any unopposed or *ex parte* application.

(2) Subject to the appeal to the Court provided for by section 68, any order made or act done by the Official Receiver in the exercise of the said powers shall be deemed the order or act of the Court.

81. (1) The enactment mentioned in Schedule II is hereby repealed to the extent specified in the fourth column thereof;

Repeals.

(2) Where in any enactment or instrument in force at the date of the commencement of this Regulation reference is made to Chapter XX (of Insolvent Judgment-debtors) of the Code of Civil Procedure, II of 1884, or to any section of that Chapter, such reference shall, so far as may be practicable, be construed as applying to this Regulation or to the corresponding section thereof.

SCHEDULE I.

[See section 75 (2).]

Decisions and orders from which an appeal lies to the
Chief Court under section 75 (2).

Section	Nature of decision or order
4	Decision of questions of title, priority, etc., arising in insolvency.
25	Order dismissing a petition.
26	Order awarding compensation.
27	Order of adjudication.
33	Orders regarding entries in the schedule.
35	Order annulling adjudication.
37	Order declaring the conditions on which the debtor's property shall revert to him on annulment of adjudication.
41	Order on application for discharge.
50	Order disallowing or reducing entries in the schedule.
53	Order annulling a voluntary transfer.
54	Decision that a transfer of property is a preference in favour of a creditor.
69	Conviction and sentence of debtor for an offence under this section.

SCHEDULE II.

ENACTMENT REPEALED.

[See section 81.]

Year	No.	Short title	Extent of repeal
1911	VI	The Insolvency Regulation, 1911.	So much as has not been repealed.

REGULATION No. XII OF 1925.

*(Received the assent of His Highness the Maharaja
on the eighth day of October 1925.)*

**A Regulation further to amend the Code of Civil
Procedure, 1911.**

Whereas it is expedient further to amend the Code of Civil Procedure, 1911, His Highness the Maharaja is pleased to enact as follows :—

For proviso (a) to sub-section (1) of section 60 of the Code of Civil Procedure, 1911, the following proviso shall be substituted :—

“(p) Where the decree relates to a debt due or contracted by an officer who has insured his life under the rules in force relating to the Official Branch of the Mysore State Life Insurance,

(1) in the case of insurances effected prior to the date of the passing of this Regulation, the whole of the bonus payable or paid thereunder to the officer, or in the event of his death to his nominee or other person or persons entitled to such bonus under the said rules ;

(2) in other cases, where an officer is bound to insure his life under the aforesaid rules, then the bonus in respect of the compulsory premia payable or paid to such officer or in the event of his death to his nominee or other person or persons entitled to such bonus under the said rules.”

REGULATION No. XIII OF 1925.

*(Received the assent of His Highness the Maharaja
on the fourteenth day of October 1925.)*

**A Regulation to provide for the levy of Coffee Cess
in the Mysore State.**

Whereas it is necessary to provide for the levy of a cess on coffee lands in the Mysore State in order to maintain an Experimental Station or Stations for the investigation of diseases affecting the coffee plant, and other problems relating to coffee cultivation, His Highness the Maharaja is pleased to enact as follows:—

1. (a) This Regulation shall be called the "*Mysore Coffee Cess Regulation*."

Preamble.
Title, extent
and com-
mencement.

(b) It shall extend to the whole of Mysore.

(c) It shall come into force from the date of the passing of the bill and shall be in operation for a period of five years thereafter.

2. In this Regulation, unless there is anything repugnant in the subject or context, "Coffee lands" mean all occupied lands classed as coffee lands by the Revenue Survey Department.

Definition.

3. Government may, by notification in the Official Gazette, levy a cess of two annas per acre on all coffee lands and may, by a similar notification, abolish the levy, provided that no cess shall be levied upon a holding which is less than fifteen acres in extent.

4. Government shall, for the maintenance of the Experimental Station or Stations provide every year a sum not less than the amount of the cess levied or leviable under section 3 of this Regulation.

5. The Government may, by notification in the Official Gazette, make rules for the purposes of this Regulation for the collection as well as administration of the Coffee Cess.

The Mysore Village Panchayet Regulation, 1926.

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- 59. Members, etc., of Panchayets to be public servants.
- 60. Liability of members for loss, waste or misapplication of property or money.
- 61. Institution of legal proceedings against Panchayet, member, officer, servant or agent and bar of certain suits.
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- 63. Punishment for offences under these Regulation and powers to compound.
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- 67. Method of serving document.

REGULATION No. II OF 1926.

*(Received the assent of His Highness the Maharaja
on the first day of July 1926.)*

The Mysore Village Panchayet Regulation.

CHAPTER I.

PRELIMINARY.

Whereas it is expedient to make better provision for the administration of local affairs of villages by the inhabitants thereof; It is hereby enacted as follows :—

1. (1) This Regulation may be called the Mysore Village Panchayet Regulation, 1926. Preamble.
Short title.

(2) It extends to the whole of Mysore. Extent.

(3) It shall come into force in any district or part of a district on such date as the Government may, by notification, direct : Commence-
ment.

Provided that it shall be lawful, at any time after the passing of this Regulation, to hold elections in any district or part of a district for the purpose of this Regulation, in accordance with the rules framed thereunder, but such elections shall not take effect till the commencement of this Regulation in that district or part of the district.

2. (1) On and from the date on which this Regulation comes into force in any district or part of a district, the whole of the Mysore Village Sanitation Regulation, 1898, and the Mysore Local Boards and Village Panchayets Regulation, 1918, and Regulation III of 1921 so far as they relate to Village Panchayets, shall be repealed in such district or part of a district : Repeal.

Provided that all rules made, proceedings taken, orders passed, officers appointed, powers conferred and rights created under any of the enactments so repealed, shall be deemed to have been made, taken, passed, appointed, conferred or created under this Regulation.

(2) When in consequence of the repeal of the enactments referred to in sub-section (1) any Panchayet ceases to exist, the assets and liabilities of such Panchayet

shall devolve on such Panchayet or Panchayets as the Government may determine; and all sums due on account of any tax, cess, fine or fee imposed by the enactments repealed shall, unless remitted in whole or in part by the Deputy Commissioner, be recovered under the provisions of this Regulation.

Interpretation.

3. In this Regulation, unless there is something repugnant in the subject or context,

(1) "Amildar" includes a Deputy Amildar;

(2) "building" includes a house, shop, warehouse, workshop, hut and shed;

(3) "District" means any local area which, for the purposes of the collection of land revenue, shall have been placed for the time being, under the charge of a Deputy Commissioner of a District;

(4) "District Board" means any Board constituted under the provisions of the Mysore District Boards Regulation;

(5) "hamlet" means a village, the Village Panchayet of which consists of all the voters of the village as provided in section 6;

(6) "Panchayet" means the body of persons constituted under this Regulation for carrying out all or any of the purposes of this Regulation;

(7) "Panchayetdar" means a member of a Panchayet;

(8) "prescribed" means prescribed by rules made under this Regulation;

(9) "Taluk" includes a sub-taluk;

(10) "Village" means a local area recognised by Government from time to time as a village for purposes of collecting the Land Revenue and includes a dake village and an alienated village, but does not include a local area constituted into a Municipality;

(11) "Village Forest" means a forest constituted as such under the Mysore Forest Regulation.

CHAPTER II.

CONSTITUTION OF PANCHAYETS AND CONDUCT OF BUSINESS.

Establishment and incorporation of Panchayets.

4. (1) In any district or part of a district to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be

made by Government in this behalf, establish a Panchayet for every village or group of adjoining villages, and shall have power, by a notification in the Official Gazette, to vary as occasion may demand, the grouping of villages.

Provided that the Deputy Commissioner shall, before a Panchayet is established for a group of villages or a regrouping of villages is effected, publish, in such manner as may be prescribed, a notice of his proposal to do so and consider any objections that may be preferred within one month of such publication.

(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, whether within or without the limits of the area over which it has authority, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.

5. (1) A Panchayet shall consist of such number of members not less than 7 and not more than 12 as may be fixed by the Deputy Commissioner subject to the rules framed by the Government in this behalf.

Strength of the Panchayets and the election or nomination of members.

(2) The members of a Panchayet shall be residents of the village or group of villages for which the Panchayet is established and may, as the Government may direct, be--

(i) either wholly elected by the residents of the village or villages : or

(ii) partly elected and partly nominated :

Provided that where the members are to be partly elected and partly nominated, the number to be elected shall not be less than half of the total number of members of the Panchayet.

(3) Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of elected members to represent each such village.

(4) The members shall be elected in the manner prescribed.

(5) Any vacancies due either to want of candidates or to failure to elect the required number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled

up by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a member as if he had been duly elected.

Conditions under which a village under a Panchayet may be included under another Panchayet, etc.

6. (1) If two-thirds of the number of voters in a village included with a group of villages under the jurisdiction of a Village Panchayet, elect to have their village brought under the jurisdiction of any other Village Panchayet, such village may, with the consent of the latter Village Panchayet be brought under its jurisdiction, and after a period of not less than five years may similarly be brought within the jurisdiction of another Village Panchayet.

(2) If two-thirds of the number of voters in any village included in a group of villages under the jurisdiction of a Village Panchayet elect to have their village constituted into a hamlet, it may be so constituted and thereafter all the voters in the said village shall perform for the village all the duties and shall have all the powers of a Village Panchayet under this Regulation.

Hamlet.

(3) It shall be open to a hamlet by a vote of two-thirds of its voters to become a constituent village of any Village Panchayet, with the consent of such Panchayet provided that a period of five years has elapsed after it elected to become a hamlet.

Qualifications of voters.

7. Every person who is a resident of a village and has completed twenty-one years of age, shall be entitled to vote at an election of members of the Panchayet of that village, unless, disqualified.

Disqualifications of voters.

8. No person may vote—

(a) who is of unsound mind: or
(b) who has been removed from office under section 14: or

(c) who is sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, such sentence not having been subsequently reversed or the offence pardoned: or

(d) who is adjudicated an insolvent: or

(e) who has been ordered to find security for good behaviour under section 118 of the Criminal Procedure Code:

Provided that the disqualification—

(1) under clause (b) will cease to operate after the expiry of three years from the date of such removal.

(2) under clause (c) will in the case of a person sentenced to imprisonment for a term not exceeding three months, cease to operate after one year after the expiry of the sentence, and in all other cases after three years after the expiry of the sentence;

(3) under clause (e) will cease to operate after expiry of the period during which the person is ordered to furnish security.

9. Every person of the male sex who is entitled to vote at an election shall be qualified to be elected as a member. Qualifications of candidates.

10. (1) For every Village Panchayet there shall be a Chairman who shall be selected from among the Panchayetdars and either: Chairman.

(a) appointed by the Deputy Commissioner by name; or

(b) if the Government so directs, elected by the Panchayetdars in accordance with such rules and conditions as may be prescribed in this behalf.

11. Subject to such rules as may be made by the Government in this behalf, every Panchayet may appoint a Secretary from among its members who shall perform such duties as may be prescribed. Secretary for Panchayet.

12. Except as is otherwise provided in this Regulation, members of Panchayets shall hold office for a term of three years which may be extended by order of the Deputy Commissioner to a term not exceeding in the aggregate four years, if on any occasion, the Deputy Commissioner thinks fit, for reasons which shall be notified, together with the order in the Official Gazette, so to extend the same. The term of office of a Chairman shall be co-terminous with or be the residue of his term of office as a Panchayetdar. Term of Office of Panchayetdar or Chairman.

13. (1) If any person subject to any of the disqualifications specified in section 8 is elected or appointed to a Panchayet, his seat shall be deemed to be vacant. Vacation of seats.

(2) If any member of a Panchayet becomes disqualified under section 8 during the term for which he had been elected or appointed, he shall cease to be a member and his office shall become vacant.

(3) If any question, dispute or doubt arises whether any vacancy has occurred under this section, the orders of the Deputy Commissioner shall be final for the purposes of deciding such question, dispute or doubt.

Removal of members.

14. The Deputy Commissioner may, on the recommendation of a Panchayet, remove any member, elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting. The order of the Deputy Commissioner shall be final.

Removal of Chairman.

15. The Deputy Commissioner may remove a Chairman from his office for misconduct, or neglect of, or incapacity to perform his duty or for any disgraceful conduct, after giving him an opportunity of being heard and after such enquiry as the Deputy Commissioner deems necessary. An appeal shall lie to Government from the order of the Deputy Commissioner.

Resignation of Office of Panchayetdar or Chairman.

16. A Panchayetdar or Chairman may resign his office by giving notice to the Amildar, and on such resignation being accepted, such Panchayetdar or Chairman shall be deemed to have vacated his office.

Filling of casual vacancies.

17. When the office of a Chairman or Panchayetdar becomes vacant by his removal, disqualification, resignation or death, a new Chairman or Panchayetdar shall be appointed, elected or nominated as the case may be, in accordance with the foregoing provisions, and such Chairman or Panchayetdar shall hold office so long as the Chairman or Panchayetdar whose place he fills would have been entitled to hold office if such vacancy had not occurred. The Secretary, if any, or any member selected by the Panchayet, in cases where no Secretary to the Panchayet is appointed, shall be in charge of the Office of the Chairman during a casual vacancy and pending the appointment or election of a new Chairman.

Procedure Meetings.

18. (1) A Panchayet shall, in the transaction of business, follow such procedure as may be prescribed. The Chairman shall hold a meeting of the Panchayet in each month for the disposal of the business of the Panchayet. He may whenever he thinks fit and shall, upon the written request of not less than one-half of the members, call a special meeting.

Quorum.

(2) The quorum for a meeting of the Panchayet shall be not less than one-half of the whole number of members of the Panchayet and shall not be less than five in any case, provided that in the case of a hamlet it shall be a bare majority of the voters in the hamlet.

(3) Except as otherwise provided, all questions before a Panchayet shall be decided by a majority of the votes of the members present and voting. The Chairman unless he refrains from voting shall give his vote before declaring the number of votes for and against a question and then in case of equality of votes he shall give his casting vote.

Questions to be generally decided by majority of votes.

(4) At every meeting of a Panchayet, the Chairman shall preside, and in his absence, the members of the Panchayet present shall choose one of their member to preside thereat.

(5) The resolutions of the Panchayet shall be carried out by the Chairman in whom the entire executive power of the Panchayet shall be vested. The Chairman shall be directly responsible for the due fulfilment of the duties imposed upon the Panchayet by or under this Regulation.

19. No act of a Panchayet shall be deemed invalid by reason only that the number of Panchayetdars at the time of the performance of such act was less than the sanctioned strength or by reason of any irregularity in the election of any member or Chairman of such Panchayet.

An act of Panchayet not to be invalidated by vacancy or irregularity.

CHAPTER III.

DUTIES AND POWERS.

Duties—Obligatory and discretionary.

20. It shall be the duty of a Panchayet, within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters:—

Obligatory duties.

(i) Construction, repair and maintenance of village roads including cart-tracks, culverts and bridges, but not including those under the control of any other local body or of Government;

(ii) Construction of drains, and disposal of drainage water and sullage;

(iii) Cleansing of streets, drains, tanks and wells (other than tanks and wells used exclusively for irrigation) and other public places or works in the village;

(iv) Regulation of buildings;

(v) Opening and maintenance of burial and burning grounds;

(vi) Management and maintenance of cattle pounds;

(vii) Sanitation, conservancy and prevention and abatement of nuisances;

(viii) Preservation and improvement of public health;

(ix) Maintenance and regulation of the use of public buildings vested in the Panchayet;

(x) Control of other institutions or property belonging to or vested in it;

(xi) Maintenance of tanks and wells (other than tanks and wells used exclusively for irrigation); and

(xii) Supply of water for domestic use.

Discretionary
duties.

21. Subject to such rules as may be prescribed in this behalf, the Panchayet may, within the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its control in respect of any or all of the following matters:—

(i) Providing facilities for travellers;

(ii) Relief of the poor and the sick;

(iii) Extension of village sites;

(iv) Excavation and maintenance of ponds for the supply of water to animals;

(v) Planting and preservation of groves and trees on the sides of roads and other public grounds;

(vi) Control of cattle stands, grazing grounds and other communal waste lands;

(vii) Development of education, agriculture, co-operation, rural industries and trade;

(viii) The lighting of the village; and

(ix) Other measures of public utility calculated to promote the safety, health, comfort or convenience of the residents of the area.

Duties that may be delegated.

Transfer of
grazing and
Village
Forests to
Panchayets.

22. The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet, the management and control of grazing in hulbanni and gomal lands and the management, protection and maintenance of Village Forests whether reserved for fuel and fodder or for other purposes.

23. The Government may, subject to such limitations and conditions as may be imposed in this behalf, empower any Panchayet to exercise all the powers and discharge all the functions of Panchayet under the Tank Panchayet Regulation, 1911, notwithstanding anything contained in section 3 of that Regulation.

Vesting Panchayets with functions under the Tank Panchayet Regulation

24. Subject to such rules as may be prescribed by the Government, any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet and subject to such conditions as may be agreed upon, make over to it the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which it has got control.

Institutions or works may be transferred to Panchayet.

25. The Government may, by a general or special order, entrust the management of Minor Muzrai Institutions and supervision over village schools in the area under the control of any Panchayet to such Panchayet and prescribe such rules as may be necessary for their management and supervision.

Panchayet to exercise powers of School Committees and manage Minor Muzrai Institutions

Powers.

26. The Government may, subject to such conditions as may be imposed, authorise any Panchayet, by a general or special order, to exercise any functions or perform any duties other than those specified in sections 20 to 25.

Government's powers to add to functions of Panchayets.

27. A Panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified in sections 28, 29, 30, 31 and 32: provided that the Panchayet may appoint Committees to perform any of these functions.

General Power.

28. The Panchayet shall have control of all village roads and bridges thereon, cart-tracks, drains, tanks, wells and other public places in the village, not being private property and not being under the control or management of a District Board, Municipal Council or a Government Officer, and may do all things necessary for the maintenance and repair thereof and may —

Power of Panchayets as to roads, bridges and water ways.

- (a) lay out and make new roads;
- (b) construct new bridges;
- (c) widen, open, enlarge, or otherwise improve any road or bridge;

(d) divert, discontinue or close any road or bridge;
 (e) deepen or otherwise improve water-ways; and
 (f) provide for the lighting of any road or public place within the village.

Control of
the erection
of buildings.

29. (1) Subject to such rules as may be prescribed no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet. Such permission shall not be refused except for the reason of the site being unsuited on sanitary grounds and it shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application.

(2) Whenever any building is erected, altered, added to or reconstructed without such permission or in any manner contrary to the rules prescribed under subsection (1) or any conditions imposed by the permission, the Panchayet may—

(a) direct that the building, alteration or addition be stopped;

(b) by written notice require such building, alteration or addition to be altered or demolished as it may deem necessary; or

(c) withdraw the permission.

Prohibition
of offensive
or dangerous
trades with-
out license.

30. (1) No place within the jurisdiction of a Panchayet shall be used for the purpose of any trade or business which the Government may, by notification, declare to be offensive or dangerous, except under a license from the Panchayet and subject to such conditions as may be imposed in the license.

(2) When a licensee fails to comply with any conditions imposed in the license, the Panchayet may suspend or cancel his license.

Power as to
sanitation,
conservancy
and drainage.

31. (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction, (a) Panchayet may, by a written notice require within a reasonable period to be specified therein—

(i) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part;

(ii) the owner or occupier of any building to construct private drains therefor or to alter or to remove private drains thereof;

(iii) the owner or occupier of any land or building which needs to be cleansed, to cause the same to be cleansed to the satisfaction of the Panchayet;

(iv) the owner or occupier of any land or building which contains well, pool, ditch, pit, pond, tank or any place containing or used for the collection of any drainage, filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action therewith as may be deemed necessary by the Panchayet;

(v) the owner or occupier of any land overgrown with vegetation, under-growth, prickly-pear, or jungle which is in any manner injurious to health, or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, under-growth, prickly-pear or jungle.

(2) If any work required by a notice under sub-section (1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) as if it were a tax imposed under section 36.

32. (1) For providing the area under its control or any part thereof with a supply of water, proper and sufficient, for public and private purposes the Panchayet may—

Power of
Panchayet to
provide for
proper water-
supply.

(a) construct, repair and maintain tanks or wells and clear out streams or water courses;

(b) purchase or acquire by lease or gift any tank, well, stream or water-course, or any right to take or convey water within or without the area under its control;

(c) with the consent of the owner thereof, utilize, cleanse or repair any tank, well, stream or water-course or provide facilities for obtaining water therefrom;

(d) contract with any person for a supply of water; or

(e) do any other acts necessary for carrying out the purposes of this section.

(2) The Panchayet may, by order published at such places as it may think fit, set apart for the supply to the public of water for drinking or culinary purposes, any tank, well, stream, or water-course in respect of which action has been taken under clause (a) or (b) or (c) of sub-section (1), subject to any rights which the owner referred to in clause (c) of that sub-section may retain with the consent of the Panchayet.

(3) The Panchayet may, by order published at such places as it may think fit, prohibit,

(a) all bathing, washing of clothes and animals, or other acts calculated to pollute the water of any tank, well, stream or water-course set apart for drinking or culinary purposes under sub-section (2); and

(b) during epidemics, the use of any source of water-supply for drinking or culinary purposes or for the washing of clothes.

Power of entry.

33. Any member, officer or servant of a Panchayet may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or execute any work for any of the purposes of this Regulation.

Provided that--

(a) no such entry shall be made between sunset and sunrise ;

(b) unless the entry be with the consent of its occupier, no dwelling-house shall be so entered without giving reasonable previous notice signed by the Chairman or by a person duly authorised by him in this behalf of the intention to make such entry ; and

(c) due regard shall be had in making such entry to the social and religious usages of the occupants of the premises entered.

Officers and servants.

34. Subject to such rules as may be framed by the Government in this behalf, every Panchayet shall employ such officers and servants and shall assign to them such pay, allowances, gratuities, pensions and contributions as may be necessary.

CHAPTER IV.

PANCHAYET FUND AND RECOVERY OF DUES.

Panchayet Fund and its application and investment.

35. (1) All sums realised as taxes, fees, cesses, fines or costs under this Regulation, all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892, all sums of revenue assigned to the Panchayet by any general or special order of Government and all other receipts of the Panchayet including any donations from a private person or body of persons, and any contribution or grant from a District Board or the Government shall be paid into a fund to be called the "Panchayet Fund."

(2) The Panchayet Fund shall be administered by the Panchayet and the expenses incurred by the Panchayet in carrying out the purposes of this Regulation shall be paid out of the Panchayet Fund :

Provided that all sums made over to or realised by a Panchayet for any specific purpose shall be applied solely for that purpose.

(3) The Panchayet Fund shall be lodged in the Government Savings Bank or in a Co-operative Society or Bank approved by the Deputy Commissioner, or in such manner as may be prescribed. A Panchayet may, from time to time, with the approval of the Deputy Commissioner, invest any portion of its surplus funds in Government securities or other securities approved by the Government.

36. (1) Every Panchayet shall levy, in the manner prescribed, a tax on all houses, shops or places of trade or business, vacant sites, hittals and carts in the village or villages within its jurisdiction. Obligatory taxes.

(2) The rates of such taxes shall not exceed the maxima that may be prescribed.

(3) It shall be competent to the Panchayet to make provision for exemptions in favour of individuals or a class of individuals, subject to such rules as may be prescribed in this behalf.

37. (1) A Panchayet may also levy, with the previous sanction of the Government and subject to such rules as may be prescribed in this behalf, any other tax, cess, rate or license or other fee for the discharge of any of the duties imposed on it : Optional levy of taxes, cesses, etc.

Provided that the levy of such tax, cess, rate or fee is agreed to by not less than two-thirds of the members constituting the Panchayet. Provided also that the Panchayet may, with the consent of the person from whom such tax, cess, rate or fee is leviable, commute the payment into a contribution of labour not exceeding 18 days' labour in a year at such intervals, for such period of time and under such conditions as may be prescribed in this behalf.

(2) Any such tax, cess, rate or fee may be cancelled with the previous sanction of the Government.

38. (1) If at any time, in the opinion of the Deputy Commissioner, the regular income of the Panchayet falls below what is necessary for the proper discharge of the duties specified in section 20, the Deputy Commissioner Increase of income.

may call upon the Panchayet to take steps within six months, to increase its income to such an amount as may be considered necessary. If the Panchayet fails to take adequate steps to increase its income to the required amount, the Deputy Commissioner may require it to increase the rate of taxes imposed under section 36 :

Provided that in no circumstances shall the Deputy Commissioner have power to require the rates of taxes to be increased beyond the maxima prescribed.

(2) An appeal shall lie to Government from an order of the Deputy Commissioner under this section.

Objection in
respect of
liability to
assessment.

39. Objections to any assessment and liability of any person to be assessed under this Regulation shall be preferred and decided in accordance with the rules made under this Regulation.

Collection of
taxes, cesses,
fees, etc.

40. (1) The amount of taxes, fees or other dues shall be paid in such manner as may be prescribed, and in case of default of such payment, shall be recovered by the Chairman by distraint and sale of the movable property of the defaulter.

(2) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub-section (1), the Amildar may recover the same by distraint and sale and shall for this purpose have all the powers that may be exercised by a Chairman under sub-section (1).

(3) The procedure to be followed prior to and during distraint and sale, the properties to be exempted from distraint and the disposal of surplus proceeds, etc., shall be in accordance with the rules framed in this behalf.

(4) If the taxes or other dues cannot be recovered under sub-sections (1) and (2), a statement of account shall be prepared by the Amildar and such statement when certified by the Deputy Commissioner, shall be conclusive evidence of the existence of the arrear, of the amount due as arrear, and of the person who is the defaulter. It shall be lawful for the Deputy Commissioner to recover such dues as an arrear of land revenue, and on receipt of such certified statement, it shall be lawful for the Deputy Commissioner of any other district to recover the dues so certified as if the demand arose in his own district.

(5) Nothing herein contained shall preclude the institution by a Panchayet of a suit for any amount due under this Regulation.

(6) No proceedings shall be taken under sub-sections (1), (2) or (4) more than three years after the amount became due.

41. (1) Subject to such rules as may be prescribed, every Panchayet shall prepare a budget of estimated receipts and expenditure for the next official year and forward it to the Amildar having jurisdiction.

Annual
Budget of
Panchayets

(2) Every such budget shall be scrutinised and passed by the Amildar with such modifications, if any, as he deems fit and a copy of it shall be sent to the Deputy Commissioner having jurisdiction: Provided that the budget shall be presumed to have been passed if it is not returned by the Amildar within a month.

(3) No expenditure which is not provided for in the budget as passed by the Amildar shall be incurred without the previous sanction of the Amildar.

42. Accounts of all the receipts and expenditure of every Panchayet shall be maintained for every official year in such form as the Government may prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf.

Annual
accounts and
audit.

CHAPTER V.

CONTROL.

43. The Deputy Commissioner of the District shall be the Chief Controlling authority in respect of all matters relating to the administration of Panchayets in the district.

Deputy
Commissioner
to be Chief
Controlling
authority.

44. Subject to the general control of the Deputy Commissioner of the District, the Assistant Commissioner in charge of a taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that taluk, except those specified in sections 4, 5, 14, 15, 33, 47, 54 and 57.

Assistant
Commissioner
to exercise
powers of
Deputy
Commissioner

45. Subject to the general control of the Deputy Commissioner, the Amildar shall exercise general powers of inspection, supervision and control over the Panchayets within his taluk: Provided that the Government may confer on the holder of any alienated village all or any of the powers of an Amildar under this Regulation.

Amildar to
exercise gene-
ral powers.

46. The Amildar shall submit annually to the Deputy Commissioner a consolidated report on the working of the Panchayets in the taluk in such form as the Government

Administra-
tion Report.

may from time to time prescribe and the Deputy Commissioner shall review the report and submit a copy of his review for the information of Government.

Power of
Deputy
Commis-
sioners

47. The Deputy Commissioner may, by order in writing, require any Panchayet in his district to perform any duty—whether obligatory, discretionary or delegated under this Regulation—annul any proceedings which he considers to be not in conformity with law and may do all things necessary to secure such performance or conformity: Provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to Government from the order of the Deputy Commissioner.

Inspection of
records.

48. (1) The Deputy Commissioner and the Amildar shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions.

(2) Any officer authorised by the Deputy Commissioner in this behalf shall have power to inspect and examine the books, proceedings and records of a Panchayet or Panchayets in the district.

Inspection of
property or
work.

49. (1) The Deputy Commissioner and the Amildar shall, in respect of Panchayets within their jurisdiction, have powers at all times—

(a) to enter on and inspect or cause to be entered on and inspected, any immovable property occupied by, or any work in progress under the orders of, or any institution controlled by, a Panchayet;

(b) to call for and inspect, for the purposes of this Regulation, any document which may be in the possession or under the control of a Panchayet; and

(c) to require the Panchayet to furnish such statements, accounts and reports as they think fit.

(2) Any officer authorised by Government in this behalf may exercise the powers of an Amildar or a Deputy Commissioner, as the case may be, in respect of a Panchayet or Panchayets.

Appointment
of Inspectors.

50. The Government may appoint for any taluk or group of taluks one or more Inspectors of Panchayets to discharge such functions as may be prescribed in this behalf in regard to the administration of Panchayets.

Power to pro-
vide for per-
formance of
duties in de-
fault of Pan-
chayet.

51. (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty under section 20 and is satisfied after due enquiry that the Panchayet has been guilty of the alleged default, he may, by an order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Amildar may appoint some person to perform it, and may direct that the expense of performing it with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Panchayet.

(3) If the expense and the remuneration are not so paid, the Amildar may make an order directing the person having the custody of the balance of the Panchayet Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

(4) A copy of the order passed under sub-sections (1), (2) and (3) shall be sent to the Deputy Commissioner as soon as it is passed and it shall be within the discretion of the Deputy Commissioner to rescind or to modify the order.

52. (1) If in the opinion of the Amildar, the execution of any order or resolution of a Panchayet in his taluk or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may by order in writing, suspend the execution or prohibit the doing thereof.

Power to suspend execution of orders, etc.

(2) When an Amildar makes any order under this section, he shall forthwith forward to the Deputy Commissioner a copy of the order, with a statement of reasons for making it, and it shall be in the discretion of the Deputy Commissioner to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit.

53. (1) In cases of emergency, the Amildar may provide for the execution of any work, or the doing of any act, which a Panchayet in his taluk is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public. He shall forthwith communicate his order with the reasons therefor to the Panchayet and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the Panchayet.

Extraordinary power of an Amildar in cases of emergency.

(2) If the expense and the remuneration are not so paid, the Amildar may make an order directing the person having the custody of the balance of the Panchayet Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

(3) The Amildar shall forthwith report to the Deputy Commissioner every case in which he uses the powers given to him by this section.

Power to supersede Panchayet in case of incompetency, default or abuse of powers.

54. (1) If a Panchayet is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Regulation or by or under any law, or exceeds or abuses its powers, the Deputy Commissioner of the District may, after giving such Panchayet an opportunity of being heard, declare, by an order published in the Official Gazette, with the reasons for making it, the Panchayet to be incompetent or in default, or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order.

Consequences of supersession of Panchayet.

(2) When a Panchayet is so superseded, the following consequences shall ensue—

(a) all members of the Panchayet shall, as from the date of the order, vacate their office as such members;

(b) all powers and duties of the Panchayet may, during the period of supersession, be exercised and performed by such person or persons as the Deputy Commissioner from time to time appoints in that behalf;

(c) where a Panchayet is superseded, all property vested in it shall, during the period of supersession, vest in the Deputy Commissioner subject to all rights over, and all debts, liabilities and obligations, if any, affecting that property.

(3) On the expiration of the period of supersession specified in the order, the Panchayet shall be re-established by re-appointment or election and the persons who vacated their office under clause (a) shall not be deemed disqualified for appointment or election.

(4) An appeal shall lie to Government from an order of the Deputy Commissioner under this section.

Appeals.

55. (1) Save as otherwise provided for in this Regulation, an appeal shall lie from an order of—

(a) the Panchayet in a taluk, to the Assistant Commissioner in charge of the taluk or to the Deputy Commissioner where there is no Assistant Commissioner in charge; and

(b) the Assistant Commissioner, to the Deputy Commissioner;

and shall be preferred within thirty days of the date of publication or communication of the order. The decision of the Deputy Commissioner shall be final.

(2) Appeals to Government when expressly allowed under the Regulation shall be preferred within ninety days of the date of publication or communication of the order of the Deputy Commissioner and the decision of the Government shall be final.

56. (1) If a dispute arises between two or more Panchayets in the same taluk, the matter shall be referred to the Amildar for decision.

Disputes
between
Panchayets.

(2) If a dispute arises between two or more Panchayets which are within the same district but which are in different taluks, the matter shall be referred to the Deputy Commissioner and the decision of the Deputy Commissioner thereon shall be final.

(3) If a dispute arises between two or more Panchayets in different districts, the matter shall be referred to the Government; and the decision of the Government thereon shall be final.

57. (1) If a dispute arises between a Municipal Council not being a City Municipal Council and a Panchayet within the same district, the matter shall be referred to the Deputy Commissioner; and the decision of the Deputy Commissioner thereon shall be final:

Disputes
between a
Municipal
Council and
a Panchayet.

Provided that, if the Deputy Commissioner is a Councillor of the Municipal Council concerned, his functions under this section shall be discharged by the Government.

(2) If a dispute arises between a City Municipal Council and a Panchayet or between a Municipal Council and a Panchayet in different districts, the matter shall be referred to the Government; and the decision of the Government thereon shall be final.

58. Where a Panchayet has been established under this Regulation for a village or villages under the control of a Sanitary Board constituted under the provisions of the Mysore Mines Regulation, the powers that may be exercised by the Amildar and the Assistant Commissioner under this Regulation shall be exercised by the Vice-President of the Board, and the powers of the Deputy Commissioner, by the President of the Board:

President of
Sanitary
Board to
exercise
powers of
Deputy
Commis-
sioner and
the Vice-
President
those of the
Amildar and
Assistant
Commis-
sioner.

Provided that nothing contained in this Regulation shall affect the powers that are now exercised by a Sanitary Board in respect of the control of epidemics in the area under its control.

CHAPTER VI.

MISCELLANEOUS.

Members,
etc., of
Panchayets
to be public
servants.

59. Every member of a Village Panchayet and every officer and servant maintained by or employed under it shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Liability of
members for
loss, waste or
misapplica-
tion of pro-
perty or
money.

60. (1) If the Government are satisfied that the loss, waste or misapplication of any money or other property owned by, or vested in a Panchayet is a direct consequence of misconduct or gross neglect on the part of a member of the Panchayet, they may, after giving the Panchayetdar a sufficient opportunity for showing cause to the contrary, by order in writing, direct such member to pay to the Panchayet before a date fixed, the amount required to re-imburse it for such loss, waste or misapplication.

(2) If the amount is not so paid, the same shall be recovered as an arrear of land revenue and credited to the Panchayet Fund.

(3) The decision of the Government shall be final as to the liability of a member under sub-section (1) and as to the amount to be recovered from him.

Institution of
legal pro-
ceedings
against
Panchayet,
member,
officer, ser-
vant, or
agent and
bar of certain
suits.

61. (1) (a) No suit shall be brought against any Panchayet or any member, officer, servant or agent thereof acting under its direction, in respect of any act purporting to be done in its or his official capacity, until the expiration of two months next after notice in writing has been, in the case of a Panchayet, left or delivered at its office and in the case of a member, officer or servant, delivered to him or left at his office or place of residence. The notice shall state the cause of action, the name and place of residence of the intending plaintiff, and the relief which he claims. The plaint shall contain a statement that such notice has been so delivered or left.

(b) Every such action shall be dismissed unless it is instituted within six months after the accrual of the alleged cause of action, and the service of such notice is admitted or proved.

(c) When the suit is against a member, officer, servant or agent of a Panchayet, the Deputy Commissioner shall determine whether the defence of the suit should be undertaken by the Panchayet and paid for out of the Panchayet Fund.

(2) (a) No Civil Court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Regulation, or for the recovery of any sum of money collected under the authority of this Regulation, or for damages on account of any assessment or collection of money under the said authority, if the provisions of this Regulation have been in substance and effect complied with.

(b) No suit or other legal proceedings shall lie against any member, officer, servant or agent of a Panchayet acting under its direction, in respect of anything done lawfully and in good faith under this Regulation or any rule made thereunder.

62. Whoever obstructs or molests a Panchayet or any member thereof, or any person employed by it or him, or any person with whom it or he has contracted in the performance of its or his duty under the provisions of this Regulation, or prevents or tries to prevent any person from doing anything which he is empowered or required to do by virtue of this Regulation, or removes any mark set up for the purpose of indicating any level or direction incidental to the carrying out of any work authorised by this Regulation, or removes or destroys, defaces or otherwise obliterates any notice put up or exhibited by the Panchayet or under its authority, shall be liable on conviction by a Magistrate to a fine not exceeding Rs. 50.

Punishment
for obstruct-
ing Pancha-
yet, member
or agent.

63. (1) Whoever—

(a) erects, alters, adds to or reconstructs a building without the written permission required by section 29 or in contravention of any of the conditions imposed by it;

(b) uses any place for an offensive or dangerous trade without a license required by section 30 or contrary to the conditions imposed therein; or

(c) disobeys an order issued under sub-section (3) of section 32; or

(d) commits any other offence under the Regulation or such rules thereunder as are notified by Government as being punishable under this section;

shall, on conviction before a Magistrate, be punished with fine which may extend to rupees fifty. He shall also be liable to a further fine which may extend to Rs. 5 for each day after conviction during which he continues so to offend.

Punishment
for offences
under this
Regulation
and powers to
compound.

(2) A Panchayet may—

(a) accept by way of compensation a sum of money not exceeding Rs. 50 from any person who, in the opinion of the Panchayet, has committed any of the aforesaid offences, and on such compromise no proceeding shall be taken against such person in respect of such offence;

(b) compound for a similar sum any of the aforesaid offences, or any offences under this Regulation, which may by rules made by the Government be declared compoundable, or withdraw from the prosecution instituted under this Regulation or any rule thereunder.

(3) All fines imposed by a Magistrate under this Regulation or the rules framed thereunder shall be recovered and credited to the Panchayet Fund.

Panchayet
may
prosecute

64. A Panchayet may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any rule thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the Panchayet Fund:

Provided that no prosecution for an offence under this Regulation shall be instituted except within six months next after the commission of such offence.

Power of
Government
to make
rules.

65. (1) The Government may make rules to carry out all or any of the purposes of this Regulation not inconsistent therewith.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government shall have power to make rules,

(a) with reference to all matters expressly required or allowed by this Regulation to be prescribed;

(b) for giving intimation of vacancies in the Offices of Chairman and Panchayetdars, for fixing the time within which elections shall be held for filling such vacancies, and generally for regulating all elections under this Regulation and determining the authority who shall decide disputes relating to such elections;

(c) regulating the establishment of the Panchayets and their powers to acquire, hold and transfer property and to enter into contracts;

(d) as to the powers that may be exercised by the Chairman;

(e) as to the grant of leave to the Chairman and Secretary and for the conduct of business during their absence;

(f) regarding the time, place and the conduct of meetings of Panchayets;

(g) regarding the appointment of the officers and servants of the Panchayet and their salaries, allowances, pensions, gratuities, transfers and punishments;

(h) as to the levy of taxes, cesses, rates, fees or other dues under this Regulation, their assessment and recovery including the procedure to be adopted during distraint, sale, etc.;

(i) as to the accounts to be maintained by Panchayets, the audit and publication of such accounts and the arrangements to be made for the lodging and custody of the Village Fund;

(j) as to the returns, statements and reports to be submitted by Panchayets;

(k) as to the preparation and sanction of the estimates of receipts and expenditure of Panchayets;

(l) prescribing the manner in which notifications and orders under this Regulation shall be published;

(m) prescribing instructions for the guidance of the controlling authorities in exercising the powers delegated to them;

(n) as to the powers and functions of Inspectors of Panchayets in regard to the administration of Panchayets;

(o) prescribing the class of Magistrates by whom offences under this Regulation or the rules thereunder shall be tried;

(p) as to the settlement of differences or disputes between any two Panchayets or between a Panchayet or any other local authority in regard to any matters arising for decision under this Regulation;

(q) regulating the conservancy of villages;

(r) providing for the protection and periodical examination of wells and water-supply in villages;

(s) defining and prohibiting public nuisances in villages;

(t) improving the sanitation of villages in other similar respects; and

(u) regulating the grant of permission to erect buildings and the conditions and terms that may be imposed.

(3) The power to make rules under this section is subject to the condition that the rules shall not take effect, until they shall have been previously published in the Official Gazette.

Form of
notices.

66. All notices given or issued under the provisions of this Regulation shall be in writing.

Method of
serving
document.

67. (1) When any notice or other document is required by this Regulation or by any rule or order made under it to be served on, or sent to, any person, the service or sending thereof may be effected

(a) by giving or tendering the said document to such person; or

(b) if such person is not found, by leaving such document at his last known place of residence or business, or by giving or tendering the same to some adult member or servant of his family; or

(c) if such person does not reside in the village and his address elsewhere is known to the Chairman, by sending the same to him by post registered; or

(d) if none of the means aforesaid be available, by fixing the same in some conspicuous part of his last place of residence or business.

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers, it shall be sufficient to serve it on, or send it to, any one of such owners or occupiers.

(3) Whenever in any bill, notice or other document served or sent under this Regulation or the rules thereunder a period is fixed within which any tax or other sum is to be paid or any work executed, or anything provided, such period shall, in the absence of any distinct provision to the contrary in this Regulation or the rules thereunder, be calculated from the date of such service or sending.

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REGULATION III OF 1926.

[Received the assent of His Highness the Maharaja on the first day of July 1926.]

The Mysore District Boards' Regulation.

Whereas, it is expedient to consolidate and amend the law relating to Local Boards and Village Panchayets (Regulation No. VI of 1918), so far as it pertains to District Boards, it is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Mysore District Boards' Regulation, 1926. Short title.

(2) It shall extend to the whole of Mysore. Extent.

(3) It shall come into force in any district on such date as the Government may, by notification, direct. Commencement.

Provided that it shall be lawful, at any time after the passing of this Regulation, to hold elections in any district as prescribed in this Regulation or the rules framed thereunder, but such elections shall not take effect till the commencement of this Regulation in that district.

2. On this Regulation coming into force in any District— Repeal and Savings.

(a) the Mysore Local Boards and Village Panchayets Regulation, 1918, and Regulation III of 1921, in so far as they relate to Local Boards, shall be repealed in that District and

(b) every District Board, Taluk Board, Committee or Joint Committee, constituted or appointed under the aforesaid Regulation shall cease to exist in that district:

Provided that—

(a) the said repeal shall not affect the validity of anything done or the liability of any person to pay any sum due from him under the aforesaid Mysore Local Boards and Village Panchayets Regulation, 1918;

(b) any appointment, notification, notice, order, scheme, license, permission, rule, bye-law, form, tax, fee, cess or rate, made, issued, given or imposed, contracts entered into and suits and other proceedings instituted under the aforesaid Mysore Local Boards and Village Panchayets Regulation, 1918, or under any enactments or rules thereby repealed, shall, so far as may be, be deemed to have been made, issued, given, imposed, entered into and instituted under this Regulation ;

(c) the assets and liabilities of the aforesaid District and Taluk Boards in such district shall, subject to such conditions as may be imposed by the Government, devolve on the District Board constituted under this Regulation ; provided that any funds set apart for a specific purpose by the aforesaid Boards, shall not be diverted for any other purpose, without the consent of the District Board thus constituted.

Interpreta-
tion.

3. In this Regulation—

(1) " District " means any local area which, for the purpose of the collection of land revenue, shall have been placed, for the time being, under the charge of a Deputy Commissioner of a District, or which, for the purposes of this Regulation, the Government may, by notification in the official gazette, from time to time, declare to be a district.

(2) " Deputy Commissioner " includes the officer in charge of the revenue administration of a part of a district declared as aforesaid to be a district for the purposes of this Regulation.

(3) " District Board " means any Board constituted under this Regulation.

(4) " Prescribed " means prescribed by rules made under this Regulation.

CHAPTER II.

CONSTITUTION OF DISTRICT BOARDS.

Establish-
ment and
incorporation
of District
Boards.

4. (1) As soon as may be, after the commencement of this Regulation, and with effect from such date as it may appoint, the Government of His Highness the Maharaja shall establish by notification in the official gazette, for each district, a District Board having authority over the entire district, provided that such portions

of the district as are included in a Municipality or are under the authority of a Sanitary Board constituted under the Mysore Mines Regulation, 1906, shall be excluded from the jurisdiction of the District Board.

(2) Every District Board shall be a body corporate by the name of the District Board of the District for which it shall have been established, shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

5. (1) Every District Board shall consist of—

Constitution
of District
Boards.

(a) elected members, (b) such persons, if any, as the Government from time to time appoints by name, who shall be called "nominated members," and (c) *ex-officio* members, if any, as the Government may appoint under sub-section (2).

(2) Any officer of the Government may be appointed by the Government by his official designation only to be *ex-officio* member of the Board. The holder of the office for the time being and all persons succeeding thereto shall then be members of the Board in succession provided that the combined term of office of such persons as members of the Board shall be limited to the term prescribed in section 24.

(3) The number of elected members shall be not less than two-thirds of the whole Board, and the number of the salaried servants of the Government, if any, shall not exceed one half of the remaining strength.

6. Subject to the provisions of the last preceding section, the Government shall, from time to time, generally for each or specially for any particular District Board fix—

Government
may deter-
mine the
strength of
the District
Board and
the number
of members
to be elected
or appointed
as *ex-officio*
or by nomi-
nation.

(a) the total number of members,

(b) the number of members, who shall be elected,
and

(c) the number of members, if any, who shall be appointed *ex-officio* or by nomination,
and may alter any number so fixed.

7. The elected members of District Boards shall be elected by general and special constituencies and the description, number and extent of such constituencies and the number of members to be elected by each constituency shall be regulated by the rules or orders of the Government notified in this behalf.

Elected
members of
District
Boards by
whom to be
elected.

Deputy Commissioner to keep lists of voters

8. (1) The Deputy Commissioner shall keep a list, for each constituency of the District Board within his district, of the persons qualified to vote in such constituency at elections of members to the District Board.

Date for preparation of lists

(2) Such list shall be prepared by the Deputy Commissioner whenever a date has been fixed for any election of persons to fill the places of persons whose term of office has expired or whenever the Government so directs, and shall be based upon such information as shall be available in the records of the Deputy Commissioner and of the officers subordinate to him.

Revision and publication of lists

(3) The list prepared under sub-section (2) shall be revised and published in accordance with such rules as may be prescribed by the Government.

Lists conclusive evidence of right to be elected or to vote

(4) No person whose name is not in the revised list last published before the date of any election shall be qualified to be elected or to vote at the election of a member for the constituency for which such list has been prepared.

What persons may be voters at elections.

9. Every person who is not less than 21 years of age and who is not subject to any disqualification specified in section 10 or any other provision of this Regulation or the rules thereunder, shall be entitled to have his name entered in the list for a constituency prepared under section 8, qualifying him to vote at elections of members to District Boards in such constituency, if he,

(a) in the case of a special constituency possesses the qualifications prescribed by the Government in the behalf,

(b) in the case of general constituency possesses one or more of the qualifications described in Schedule I and is also a subject of His Highness the Maharaja by birth or domicile and has resided in the Mysore State or in the Civil and Military Station, Bangalore, for six months prior to the date fixed for the preparation of the electoral list.

Explanation.—"Subject of His Highness the Maharaja by domicile" means one who resided in the Mysore State or in the Civil and Military Station, Bangalore, for a period of not less than five years.

General disqualification of voters.

10. No person may vote who—

(a) has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having been subsequently reversed or quashed; or

(b) is a person against whom an order has been passed under section 118 of the Code of Criminal Procedure, 1904, in proceedings instituted under section 110 of that Code, such order not having been subsequently reversed or quashed; or

(c) has been dismissed from Municipal, District Board or Government service and debarred from being re-entertained in such service; or

(d) was a legal practitioner whose Sannad has been permanently withdrawn by a competent court; or

(e) has been removed from office under section 27; or

(f) is a legal practitioner whose Sannad has been suspended by a final order of a competent court, during the period of such suspension; or

(g) is of unsound mind; or

(h) is an undischarged insolvent;

Provided that—

(i) the disqualification in clause (a) will cease to operate after expiry of three years from the expiry of the sentence, or earlier by an order of Government, and that in clause (b) after expiry of the period during which the person is ordered to furnish security; and

(ii) the disqualifications in clauses (c), (d) and (e) will cease to operate after expiry of five years from the date of such dismissal, withdrawal or removal, or earlier by an order of Government.

11. Any person whose name is entered in the list prepared under section 8 for a constituency and who is not a female, a salaried officer or servant of the District Board or the Government, and any person who has not directly or indirectly, by himself or his partner, any share or interest in any work done by order of the District Board, or in any contract or employment with or under, or by, or on behalf of the District Board, may be a candidate at any election in such constituency:—

Qualifications
necessary for
election to
District
Boards.

Provided that—

(i) no person shall be disqualified by reason only of such person

(a) having a share in any joint stock company or a share or interest in any Literary Association registered under the Societies' Registration Regulation, 1904, or in any society registered under the Mysore Co operative Societies Regulation, 1918, which shall contract with or be employed by or on behalf of the District Board; or

(4), he shall declare the candidate disqualified both for the purpose of that election and of such fresh election as may be held under sub-section (2) and shall set aside the election of such candidate if he has been elected.

(b) If, in any case to which clause (a) does not apply, the validity of an election is in dispute between two or more candidates, the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate, declare the candidate who is found to have the greatest number of valid votes in his favour to have been duly elected.

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that it was given by an unqualified person or any corrupt practice was committed by any person, known or unknown, in giving or obtaining it.

(4) A person shall be deemed to have committed a corrupt practice,—

(a) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury to any person, or

(b) who gives, procures, or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to have been committed by a candidate, if it has been committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

Explanation.—The expression “a promise of individual profit” includes a promise for the benefit of the person himself or any person in whom he is interested, but does not include a promise to vote for or against any particular measure which may come before the District Board for consideration.

(5) If the validity of the election is brought in question only on the ground of an error made by the officer charged with carrying out the rules made in this behalf or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

(6) If the judge sets aside an election under clause (a) of sub-section (3), he may, if he thinks fit, declare any person by whom any corrupt practice has been

committed within the meaning of this section to be disqualified from being a member of any District Board for a term of years not exceeding five and the decision of the Judge shall be conclusive ;

Provided that such person may, at any time, be relieved from such disqualification by an order of the Government in that behalf.

Provided further that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration shall not be made.

15. Any person who has been disqualified for any period from being a member under the last preceding section, shall also be disqualified from voting at any election to a District Board for the same period.

Voter disqualified for corrupt practice.

16. The names of all members finally elected to any District Board, as well as the names of the nominated members and the official designations of the *ex-officio* members, if any, appointed thereto, shall be published in the official gazette.

Publication of names of members in the official gazette.

17. (1) Every District Board shall be presided over by a President, who shall be selected among the members and for this purpose may be either -

Presidents

(a) appointed by the Government by name ; or

(b) appointed by the Government *ex-officio*, that is to say, as executing the functions of any office which the Government from time to time notifies in this behalf ; or

(c) if the Government so direct elected, by the District Board.

(2) During the period intervening the expiry of the term of a President on the reconstitution of a District Board and the election or nomination, as the case may be, of another President, the Deputy Commissioner shall, notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder, take the place of the President and be an additional member, if he is not already a member. of the District Board until such elected or nominated President enters on his duties.

Deputy Commissioner to be President in certain cases.

(3) There may be a Vice-President for a District Board elected by the members from among their own number, unless the Government otherwise directs.

Vice-Presidents.

18. (1) The election of the President or the Vice-President shall be made subject to the rules prescribed in this behalf and if any District Board fails to elect the President or the Vice-President in accordance with such rules,

Presidents and Vice-Presidents to be nominated in default of election.

the Government may appoint a President or Vice-President as the case may be.

Elected
President
and Vice-
Presidents
not to be
salaried serv-
ants of the
Government.

(2) A salaried servant of the Government shall not be elected President or Vice-President of a District Board and the election of such servants as such shall be void.

Functions of
Presidents

19. The President of a District Board shall—

(a) preside at the meetings of the Board ;

(b) watch over the financial and executive administration of the Board and submit to the Board all questions which require the sanction of the Board ;

(c) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration, and in matters concerning the accounts and records of the Board ; and subject to the rules at the time in force, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances ;

(d) furnish to the Government through the Deputy Commissioner, a copy of every resolution passed at every meeting of the Board and any extract from the minutes of the proceedings of the Board, or other document or thing which the Government may, from time to time, call for ; and

(e) furnish to the Deputy Commissioner copy of any resolution or extract from the minutes of the proceedings of the Board, or other document or thing which he may from time to time call for under section 93.

Powers,
duties and
functions may
be delegated
to officers
whose
expenses
may be paid.

20. (1) Any powers or duties or executive functions which may be exercised or performed by or on behalf of the District Board may be delegated by the District Board, in accordance with rules to be made by the Government in this behalf, to the President or to the Vice-President, or to the Chairman of the Standing, Economic, Public Health or other Committee, or to one or more stipendiary or honorary officers, but without prejudice to any powers that may be exercised or may have been conferred on a Chief Officer under section 87 or any committee by or under sections 31, 32, 33 and 34 ; and each person, who exercises any power or performs any duty or function so delegated, may be paid all expenses necessarily incurred by him therein,

(2) The President of a District Board may in cases of emergency direct the execution or stoppage of any work or the doing of any act, which requires the sanction of the Board and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the District Fund:

Emergency
powers of
President

Provided that—

(a) he shall not act under this section in contravention of any order of the Board prohibiting the execution of any particular work or the doing of any particular act, and

(b) he shall report forthwith the action taken under this section and the reasons therefor to the Standing Committee at its next meeting.

21. The Vice-President of a District Board shall—

Functions of
Vice-President.

(a) in the absence of the President, preside at the meetings of the Board;

(b) exercise such of the powers and perform such of the duties of the President as the President may, from time to time, depute to him; and

(c) save as provided in section 17, exercise the powers and perform the duties of the President pending the succession, appointment or election of a President, or during the absence of the President on leave.

22. (1) Except in the case of a salaried servant of the Government who is either an appointed or an *ex-officio* President, every President who for a period exceeding three months, and every Vice-President who for a period exceeding one month shall absent himself from the District in such manner as to be unable to perform his duties as such President or Vice-President, shall cease to be President or Vice-President, as the case may be, unless leave so to absent himself has been granted—

Consequence
of absence of
President or
Vice-President
without
leave.

(a) by the Government in the case of a President appointed under clause (a) of sub-section (1) of section 17,

(b) by the Board in the case of an elected President or Vice-President.

(2) Leave under sub-section (1) shall not be granted for a period exceeding six months, and whenever leave is granted to a President or Vice-President under that sub-section, the Board shall elect one of its members to exercise all the powers and perform all the duties of a Vice-President in lieu of the Vice-President, if any, who is exercising the powers and performing the duties of the President or

Limit to the
grant of leave
and arrangements
pending absence
of President or
Vice-President.

who is absent on leave, during the period for which such leave is granted. If there is no Vice-President for the Board or if the Vice-President is also on leave when leave is granted to a President, the Board shall elect one of the members to perform the duties of the President on leave.

Term of office of President and Vice-President and their liability to be removed

23. (1) The term of office of every President or Vice-President shall cease on the expiry of his term of office as a member of the District Board over which he presides;

Provided that he shall after an opportunity is afforded for hearing him, be removable from office as such President or Vice-President by the Government for misconduct or neglect of or incapacity to perform his duty or in the case of an elected or nominated President or Vice-President for not commanding the confidence of the Board to be evidenced by a resolution of the District Board in favour of which not less than two-thirds of the whole number of members of such Board have given their votes at a meeting specially convened for the purpose.

Casual vacancies in their office how to be filled up.

(2) In the event of the death, resignation, or removal from office of a President or Vice-President, or of his becoming incapable of acting, or ceasing to be a member of the District Board, previous to the expiry of his term of office, the vacancy shall be filled up as soon as conveniently may be by the election or appointment of some other member of the Board thereto.

Term of office.

24. Except as is otherwise provided in this Regulation, members of District Boards shall hold office for a term of three years, extensible by order of the Government to a term not exceeding in the aggregate four years if on any occasion the Government shall think fit, for reasons which shall be notified together with the order, in the official gazette, so to extend the same.

Resignation of office as member of Board.

25. The Vice-President or any member of a District Board other than the President, may resign his office as a member of the Board by giving notice in writing to the President. The President may resign his office as a member of the Board by giving notice in writing to the Government.

Disqualification of member after election.

26. (1) Any member of a District Board who, during the term for which he has been elected or appointed,

(a) becomes disqualified under section 10, or

(b) having any share or interest such as is described in clause (a) or (b) of proviso (i) to Section 11, acts as a member of the District Board in any matter relating to a

contract or agreement between the Board and the company or society or the manager or publisher of the newspaper described in the said clauses, or

(c) is absent for more than four consecutive months from the district for which the Board is established, unless leave so to absent himself, which shall not exceed six months, has been granted by the Board, or absents himself for six consecutive months from meetings of the Board without the leave of the Board, shall cease to be a member and his office shall become vacant.

(2) If any question, dispute or doubt arises whether a vacancy has occurred under this section, the orders of the Government shall be final for the purpose of deciding such question, dispute or doubt.

27. The Government may, if it thinks fit, on the recommendation of a District Board, remove any member of such Board, elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry as the Government deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a member of the Board, or has refused to act as a member.

Removal of members for misconduct, etc.

28. (1) On the occurrence of any vacancy in a District Board, the President shall forthwith communicate such occurrence to the Deputy Commissioner.

Vacancies to whom to be communicated.

(2) In the event of a vacancy occurring on account of death, resignation, disqualification or removal of a member of a District Board previous to the expiry of his term of office, the vacancy shall be filled up by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed would have held it if the vacancy had not occurred.

Casual vacancies how to be filled up.

(3) If the member of such Board whose seat has become vacant was a nominated member, the Deputy Commissioner shall submit to Government the name of a suitable person for nomination in the vacancy.

Deputy Commissioner to submit proposals to Government when ever a vacancy is to be filled up by nomination.

(4) Notwithstanding anything contained in subsections (2) and (3), it will be open to a District Board to direct that a vacancy be left unfilled until the next ordinary election, if the term of office of that vacancy would in the ordinary course of events have determined within six months of the occurrence of such vacancy.

CHAPTER III.

CONDUCT OF BUSINESS OF DISTRICT BOARDS.

Meetings of
District
Boards.

29. (1) A District Board shall meet for the transaction of business generally at district headquarters and occasionally at other places with the permission of the Government, once in every three months and shall, subject to the provisions of the following sub-sections, make, from time to time, rules not inconsistent with this Regulation and with any rules or orders made by the Government in this behalf, with respect to the appointment, powers and proceedings of Committees and the day, hour, notice, management and adjournment of meetings of itself or its Committees and generally with respect to the transaction of business thereat, as it thinks fit.

(2) (a) The date of the first meeting of the Board after reconstitution shall be fixed by the Deputy Commissioner, and the date of each subsequent quarterly meetings shall be fixed at the previous meeting of the Board, provided that the President may, for sufficient reasons, alter the day of the meeting to a subsequent date. The President may, whenever he thinks fit, and shall upon the written request of not less than one-fourth of the members and for a date within twenty-one days from the receipt of such request, call a special meeting. Such request shall specify the object for which a meeting is proposed to be called.

(b) Fourteen clear days' notice of a quarterly meeting and ten clear days' notice of a special meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be sent to the members and posted up at the District Board Office. Such notice shall include in the case of a special meeting any motion or proposition mentioned in the written request made for such meeting.

(c) One-third of the whole number of members of the District Board shall form a quorum for transacting business at a meeting of the Board. If, at the time appointed for the meeting, or within half an hour thereafter, a quorum is not present, the presiding authority shall adjourn the meeting to such hour on some future day as he may reasonably fix. He shall similarly adjourn the meeting at any time after it has begun if attention is drawn to the want of a quorum. At such adjourned

meeting the business which would have been brought before the original meeting shall be transacted, whether there is a quorum present or not, provided that not less than five members are present.

(d) Every meeting shall be open to the public unless the presiding authority deems any inquiry or deliberation pending before the Board such as should be held in private, and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

(e) Every meeting shall be presided over by the President, or, if he be absent, by the Vice-President, if any, and if both the President and Vice-President are absent or if the President be absent and there is no Vice-President, by such one of the members present as may be chosen by the meeting to be Chairman for the occasion.

(f) All questions shall, unless otherwise specially provided, be decided by a majority of votes of the members present and voting. The President, Vice-President, or Chairman, as the case may be, unless he refrains from voting, shall give his vote before declaring the number of votes for and against a question and then in case of equality of votes he shall give his casting vote.

(g) No member of a District Board shall vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the Board or any Committee, if the question is one in which apart from its general application to the public, he has any direct or indirect pecuniary interest.

(h) If the presiding authority is believed by any member present at the meeting to have any such pecuniary interest in any matter under discussion, and if a motion to that effect be carried, he shall not preside at the meeting during such discussion, or vote on, or take part in it. Any member of the Board may be chosen or elected to preside at the meeting during the continuance of such discussion.

(i) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any quarterly meeting unless it has been entered in the notice convening such meeting or, in the case of a special meeting, in the written request for such meeting.

The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(j) Any quarterly meeting may, with the consent of a majority of the members present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

(k) No resolution of a District Board shall be modified or cancelled within six months after the passing thereof, except by a resolution passed by not less than one-half of the whole number of members at a quarterly or special meeting, notice whereof shall have been given fulfilling the requirements of clause (b) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

(3) Minutes shall be kept of the names of the members and of the Government Officers, if any, present under the provisions of section 35 and of the proceedings at each meeting of the Board, and if any member present at the meeting so desire, of the names of the members voting, respectively, for or against any resolution, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the President, Vice-President or Chairman of such meeting and shall at all reasonable times be open to inspection by any member of the Board or by any inhabitant of the District.

(4) A copy of every resolution passed by a District Board at a meeting shall, within ten days from the day of the meeting, be forwarded to Government through the Deputy Commissioner and the Government may pass such orders thereon as it may think proper.

(5) During any vacancy in a District Board or any Committee thereof, the continuing members may act as if no vacancy had occurred.

Vacancy not
to affect pro-
ceedings of
Board or
Committee.

Interpella-
tions and Re-
solutions.

30. (1) A member of a District Board may call the attention of the President to any neglect in the execution of the District Board work, to any waste of District Board property, or to the wants of any locality within the District

Board area, and may suggest any improvements which may appear desirable.

(2) A member of a District Board may move resolutions and interpellate the President on matters connected with the administration of the Board, subject to such rules as may be made by the Board.

(3) A District Board may, subject to such restrictions and conditions as may be imposed by the Government by rules made in this behalf, pass and submit for the consideration of the Government, resolutions on questions connected with the administration of the District other than those coming within the purview of this Regulation.

31. (1) Every District Board shall appoint a Standing Committee consisting of the President, the Vice-President, if any, and other members of the Board. The total number of members of such Standing Committee shall not be more than seven and not less than five as the Board may determine.

Standing
Committee

(2) The Standing Committee shall perform the functions allotted to it under this Regulation, and subject to any limitations or other provisions contained in rules made under section 99 or rules made under section 29. sub-section (1), shall exercise all the powers and perform all the duties of the Board which have not been delegated to any other Committee.

(3) The President of the District Board and in his absence, the Vice-President, shall be *ex-officio* Chairman of the Standing Committee.

32. (1) Every District Board shall, subject to such rules as may be framed by itself and the Government in this behalf, appoint a Committee from among its members, to be called the Economic Committee, to deal with questions relating to the development of education, agriculture and industries and commerce within the district consisting of such number of members as may be determined by the Board.

Economic
Committee.

(2) It shall be lawful for the District Board to appoint as additional members of the said Committee, any persons of either sex, who are not members of the Board, but who may, in the opinion of the Board, possess special qualifications for serving on the Committee. Such persons may be appointed to the said Committee either during the term of the said Board or temporarily for the consideration of a particular subject or subjects.

Public Health
Committee.

33. (1) Every District Board may appoint a Public Health Committee consisting of such members of the Board as the Board may elect. It may in addition appoint, for a term not exceeding its term of office, one or more of the following, namely, the District Medical Officer of the District, any Medical or Sanitary Officer of the Government, a legally qualified Medical Practitioner, to be a member or members of the said Committee.

(2) When a Public Health Committee is appointed under sub-section (1), it shall, subject to any limitations or other provisions contained in the rules made under section 100 or under Section 29 (1), perform the duties and exercise the powers of the Board in regard to matters of Public Health and Sanitation and shall give effect to the provisions of this Regulation, and the bye-laws framed thereunder and may delegate any of its duties or powers to any member or honorary or stipendiary officer of the Board. Such member or officer shall conform to any instructions that may, from time to time, be given by the Board. The Committee may at any time withdraw any of the duties or powers so delegated.

Other Com-
mittees.

34. A District Board may appoint Committees consisting of such members as it may decide for any purpose other than those specified in sections 31, 32 and 33 and may invest each Committee so appointed with such powers as may be necessary or expedient for the fulfilment of the purpose for which it is appointed; and every such Committee shall cease to exist on completion of the specific purpose for which it is appointed or at such time as may be determined by the District Board.

Certain Gov-
ernment
officers
entitled
to attend and
speak and Dis-
trict Boards
may require
officers to fur-
nish advice.

35. The Principal Sanitary Officer and the Principal Medical Officer of the District, the Senior Surgeon, Sanitary Commissioner, the Veterinary Superintendent and the Assistant Veterinary Superintendent, the Live Stock Expert, the Director of Agriculture, the Deputy Director and Assistant Director of Agriculture, the Director and Assistant Director of Industries, the Executive Engineer, the District Inspector of Schools and the Registrar and Assistant Registrar of Co-operative Societies shall, if they be not already members, be entitled to attend any meeting of a District Board or of any Committee thereof, and to address such Board or Committee on any matter under discussion affecting their respective departments and shall furnish their advice in such matters whenever desired by the Board or the Committee.

36. (1) The President of a District Board may, on behalf of the Board, enter into any contract or agreement in such manner and form as according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf: Provided that the amount or value of such contract or agreement shall not exceed five hundred rupees.

Mode of
executing
contract

(2) Every other contract or agreement on behalf of a District Board shall be in writing, and shall be signed by the President and by two other members of the Board, and sealed with the common seal of the Board.

(3) No contract or agreement not executed as in this section provided shall be binding on a District Board.

37. Except as is hereinafter otherwise provided, no member of a District Board shall be personally liable in respect of any contract or agreement made, for any expense incurred by, or on behalf of such Board: the District Fund at the disposal of each District Board shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses:

District Fund
ordinarily
liable for all
costs and
expenses
incurred by
Boards.

Provided that every member of a District Board shall be personally liable for the misapplication of any money or other property of the Board, to which he has been a party or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member and may be sued by the Board concerned with the sanction of the Government or by the Government for the recovery of or compensation for the misapplication of such money or property; and any money or property so recovered by the Government shall after satisfaction therefrom of the necessary expenses of such recovery, be delivered to the District Board.

But members
to be held
responsible
for misapplied
or wasted
funds and
property.

38. (1) A District Board may compromise in respect of any suit instituted by or against it, or in respect of any claim or demand arising out of any contract entered into by it under this Regulation, for such sum of money or other compensation as it shall deem sufficient:

Powers to
compromise
suits and
claims.

Provided that, if any sanction in the making of any contract is required by this Regulation, the like previous sanction shall be obtained for compromising any claim or demand arising out of such contract.

(2) A District Board may make compensation out of the District Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it and its officers and servants under this Regulation.

Works to be
executed by
the Public
Works
Department.

39. (1) All public works requiring a degree of professional skill not at the disposal of the District Board shall, as a rule, be carried out by the Public Works Department unless specially ordered otherwise by the Government.

Works which
may be exe-
cuted by the
Local Board
Agency.

(2) All other works of the District Board shall be executed by such agency and subject to such supervision as the District Board thinks fit, subject to the rules prescribed by the Government in this behalf:

Provided that any such work shall be executed by the Public Works Department in the manner prescribed in sub-section (1), if the Board communicates a desire to the effect.

Payments of
expenses in-
curred by the
Public Works
Department.

(3) When any work is executed for a District Board by the Public Works Department, the expenses incurred on the work together with the charges for supervision and tools and plant at such rates as may be fixed by the Government shall unless waived by the Government be payable by the Board to the Public Works Department.

Joint Com-
mittee.

40. (1) A District Board may, from time to time, concur with any other District Board or with any Municipal Council or with more than one such Board or Council in appointing, out of their respective bodies, a Joint Committee for any purpose in respect of which they are jointly interested, and in delegating to any such Joint Committee any power which might be exercised by either or any of the Boards or Councils concerned, and in framing or modifying regulations, as to the proceedings of any such Joint Committee.

(2) If any dispute arises between two or more local authorities acting under this section, the decision thereon shall rest with the Government:

Provided that the Government may delegate its power under this section to such officer in such matters and to such extent as may be prescribed by rules framed in this behalf.

Acts of
Boards, etc.,
not to be
invalidated.

41. No act of a District Board, or of any Committee or of any person acting as a member or as a President, Vice-President, or Chairman, shall be deemed to be invalid by reason only of some defect in the appointment of such Board, Committee, President, Vice-President, Chairman or member, or on the ground that they, or any of them, were disqualified for such office, or that formal notice of the intention to hold a meeting of the Board or

Committee was not duly given, or by reason of such act having been done during the period of any vacancy in the office of the President, Vice-President, or member of such Board or Committee, or for any other such informality.

CHAPTER IV.

PROPERTY AND DUTIES.

42. Subject to the rules or orders made by the Government in this behalf consistently with this Regulation, every District Board shall have power to acquire and hold property, both movable and immovable, whether within or without the limits of the area over which it has authority, to lease, sell or otherwise transfer any movable property which may have become vested in or been acquired by it and to contract and to do all other things necessary for the purposes of this Regulation.

Power of District Board to acquire and hold property and to contract.

Provided that no lease of immovable property for a term exceeding seven years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Government.

Provided also that nothing herein contained shall empower any District Board to raise loans except as provided for in section 72 and without previous sanction of the Government.

43. All roads, bridges, channels, buildings and other property, movable or immovable, held by or under the control and administration of, and all institutions committed to the management of the District and Taluk Boards in each District for the purposes of the Mysore Local Boards and Village Panchayets Regulation, 1918, shall, for the purposes of this Regulation, be under the control, administration and management of the District Board of such District, subject to all rights, if any, existing over and all debts, liabilities and obligations, if any, affecting such properties and institutions, provided that nothing herein contained shall empower the District Board to exercise any authority or control over the properties and institutions whose administration devolves on the Village Panchayet constituted under the Mysore Village Panchayet Regulation.

Roads and other property of the old District and taluk boards to vest in the District Board constituted under this Regulation.

Works constructed by District Board to be vested in it.

Duties of the District Board.

44. Every road, building or other work constructed by a District Board from the District Fund shall be vested in such Board except such portion of the road as may lie within the area of a Municipality.

45. (1) Every District Board shall, so far as the Funds at its disposal will permit, and subject to such exceptions and conditions as the Government may from time to time make and impose, undertake the control and administration of, and be responsible for, the following matters within the area subject to its authority :—

(a) Construction, repair and maintenance of public roads and other means of communication which are not under the control of any other local body or of Government ;

(b) planting and preservation of trees on the sides of roads and on other public ground in its control ;

(c) establishment, management, maintenance and visiting of schools, hospitals, dispensaries, veterinary hospitals, markets, travellers' bungalows, musafirhanas, rest-houses, and other public institutions, and the construction and repair of all buildings connected with these institutions.

(d) construction and repair of public wells, tanks and water works which serve more than one Village Panchayet, supply of water from them and from other sources, and preservation from pollution of water for drinking and cooking purposes ;

(e) promotion of vaccination and the appointment and control of vaccinators ;

(f) measures necessary for the public health, sanitation and other local services affecting villages under different Panchayets and control of and sanitation during jattras or fairs and festivals ;

(g) management of such public ferries as may be entrusted to its charge ;

(h) development of the economic condition of the District with special reference to Education, Agriculture and Industries and Commerce ; institution, holding and management of fairs, cattle and agricultural shows and industrial exhibitions ;

(i) payment of travelling expenses of persons undergoing antirabic treatment subject to the general or special orders of the Government ;

(j) improvement of the breed of cattle ;

(k) maintenance of any building or other property vested in it under this Regulation ;

(l) with the previous sanction of the Government, any public reception, ceremony or entertainment or exhibition ;

(m) the establishment and maintenance of relief and local relief works in time of famine or scarcity ;

(n) any other local works or measures likely to promote the health, safety, comfort, convenience, interest or welfare of the public in the District.

(2) Any District Board may, at its discretion,—

(a) provide for the registration of births and deaths within the District, subject to such conditions as the Government may impose in this behalf ;

(b) with the sanction of the Government, either singly or in combination with the Government or any other District Board, construct and maintain within, or partly within and partly without the area under its authority, a railway or tramway and do all lawful acts which may be necessary in that behalf ;

(c) with the sanction of the Government, from time to time guarantee the payment from the District Fund of such sums as it shall think fit as interest on capital expended on any railway, tramway, or other works which may directly improve the means of communications within the District or between the District and other Districts ; and

(d) encourage and develop co-operative societies in the District.

46. A District Board may agree with the person in whom the property in any road, bridge, tank, ghat, well, channel or drain is vested to take over the property therein, and after such agreement may declare by notice in writing put up thereon or near thereto that such road, bridge, tank, ghat, well, channel or drain has been transferred to the District Board. Thereupon the property therein shall be vested in the District Board, and such road, bridge, tank, ghat, well, channel or drain shall thenceforth be repaired and maintained out of the District Fund.

District Board may with the consent of owners take over and repair works.

47. It shall be lawful for the Government from time to time to direct that any road, bridge, channel, building or other property, movable or immovable, which is vested in Government and which is situated within a District, shall, with the consent of the District Board of such

Government may place roads and other property under District Board

District, and subject to such exceptions and conditions as the Government may make and impose, be placed under the control and administration of the District Board for the purposes of this Regulation; and thereupon such road, bridge, channel, building or other property shall be under the control and administration of the Board, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

Power of Government to resume property.

48. It shall be competent to the Government from time to time by notification to resume any property placed under the control of a District Board under section 47 on such terms as the Government may determine after consultation with the Board.

District Boards may undertake construction, repair and maintenance of Government buildings.

49. It shall be lawful for a District Board from time to time to undertake, on behalf of the Government and upon such conditions as may be agreed upon, the construction, repair and maintenance of any public building or other work which is the property of the Government.

Provided that the cost of such construction, repair and maintenance shall be defrayed by the Government.

CHAPTER V.

POWERS, OFFENCES AND PENALTIES.

Power to turn, divert, discontinue or close road.

50. A District Board may, with the sanction of the Government, turn, divert, discontinue or permanently close any road which is under the control and administration of, or is vested in, the District Board.

Power to permit temporary occupation or use of roads and lands vested in the Board.

51. Subject to the bye-laws made in this behalf, the President of a District Board may permit the temporary occupation or use of any road or land vested in the Board, for the erection of pendals, or for any other lawful purpose.

Control of unwieldy traffic.

52. It shall be lawful for a District Board subject to such rules as may be prescribed by the Government in this behalf and to the bye-laws framed by the District Board, to notify that any road vested in it shall not be used by any vehicle (not being a motor vehicle duly licensed under the provisions of the Mysore Motor Vehicles Rules for the time being in force) of such form, construction, weight or size or laden with such machinery or other unwieldy objects as may be deemed likely to cause injury

to the roadway, or to any construction thereon or risk or obstruction to other vehicles or to pedestrians except under a license issued by the President and in accordance with the rules framed by the Government from time to time as regards speed, time, fees, mode of traction or locomotion, use of appliances for protection of the roadway, number of lights and assistants and other general precautions.

53. (1) A District Board may, subject to such rules as may be prescribed by the Government, establish public ferries for the conveyance of passengers, vehicles, animals and goods.

Establishment of ferries

(2) It shall be lawful for the person in charge of a public ferry to refuse to carry any passenger, vehicle, animal or goods, if the proper fee is not paid on demand.

54. (1) All markets, slaughterhouses and cart-stands constructed and maintained out of the District Funds, shall be deemed to be public markets, public slaughterhouses and public cart-stands, respectively, and no public market shall be opened by a District Board without the previous sanction of the Government.

Markets, slaughterhouses, cart-stands and ferries.

(2) No person shall newly open a market, slaughterhouse, public cart-stand or public ferry or continue to keep open any such as may have been established prior to the commencement of this Regulation, unless he obtains from the District Board a license in writing to do so.

(3) No person shall sell or expose for sale any article or animal in any unlicensed market.

55. Subject to the provisions of the Village Panchayet Regulation, it shall be lawful for a District Board to notify that no place within the area under its authority shall, after sixty days from the date of such notification, be used for any one or more of the purposes specified in Schedule II without a license from the President of the Board and except in accordance with the conditions specified therein.

Use of premises for certain purposes to be made after obtaining licenses.

56. (1) All applications for licenses and permissions under this Regulation may be disposed of by the President of the District Board who may suspend or cancel a license granted for default of any of the conditions subject to which it was issued or given. When a license is granted, refused, suspended or cancelled by the President, any person aggrieved by his order shall have the right of appeal to the District Board within three months from the date of such order.

Licenses.

(2) A license under this Regulation shall be granted only on payment in advance of a fee at such rates as may be prescribed.

(3) Whoever keeps open or uses, without a license or after a license is suspended or cancelled, any place for any purpose for which a license is required under this Regulation, shall be punished, on conviction by a Magistrate, with fine which may extend to one hundred rupees. He may also be punished with further fine which may extend to twenty-five rupees for every day on which such act is continued after the date of conviction, or any subsequent date as may be fixed by the Magistrate.

District
Board's
power to
make bye-
laws.

57. (1) The District Board may, from time to time, and subject to such rules as may be prescribed by Government in this behalf and with the sanction of the Government, make bye-laws and cancel or alter the same so as not to be repugnant to any law in force—

(a) for the general or special regulation, inspection, and control of musafirkhanas, travellers' bungalows, rest-houses, cart-stands, markets, slaughterhouses, hotels, bakeries, sweetmeat shops, all other places used for the sale of articles intended for human food or drink, all places used for animals which are for sale or hire or the produce of which is sold and all places used for the purposes specified in Schedule II and for regulating the conduct of business in any of the places aforesaid so as to secure cleanliness therein and the wholesomeness of the articles prepared, kept or sold or to minimise any injurious, offensive or dangerous effects arising or likely to arise therefrom;

(b) (i) for regulating all matters connected with sanitation;

(ii) for empowering the President or any person authorised by the Board to enter and to inspect any building or land and to require that it shall be kept in a sanitary condition;

(c) (i) for regulating the use of and the prevention of nuisances in regard to public water-supply, bathing and washing places, streams, channels, tanks and wells;

(ii) for requiring private sources of water-supply used by the public or any section of the public to be kept in good repair, improved or protected from pollution and for payment from the District Fund of a portion or the whole of the expenses incurred for the purpose;

(iii) for setting apart, with the consent of the owner in the case of private sources of water-supply, and

of the Government in the case of those under the control of the Government, for a specified purpose, springs, tanks, wells, water courses and other places, and prohibiting their use for any other purpose or purposes ;

(d) (i) for regulating prevention of the nuisances affecting the health, safety or convenience of the public ;

(ii) for requiring that any pool, ditch, tank, pond, well, hole, or any waste or stagnant water, any channel or receptacle of foul water or other offensive or injurious matter which is likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood be cleansed, filled up, drained off or removed or proper measures be taken to abate or remove the nuisance ;

(e) (i) for regulating the prevention and spread of dangerous diseases ;

(ii) for prohibiting the use of any source of water-supply, whether private or public, during epidemics ;

(iii) providing for the inspection of persons travelling by railway or otherwise, and the segregation in a hospital or any other place set apart for the purpose, of persons suspected of being infected with any epidemic disease, or for such other measures as may be deemed necessary to prevent the outbreak of such disease or the spread thereof ;

(iv) for empowering the President or any person duly appointed by the Board to enter into any building or premises in which any dangerous infectious disease is reported or suspected to exist, to require the owner or occupier of such building or premises to cleanse or disinfect the same or, where immediate action is necessary, to have such building or premises cleansed or disinfected and to recover the whole or any part of the expenses so incurred from such owner or occupier or to remit the same in deserving cases ;

(v) for requiring that articles of clothing or bedding or other articles exposed to infection from dangerous infectious diseases be washed or disinfected at places notified by the District Board ; and for destroying such articles as are likely to retain infection and paying compensation for articles so destroyed ;

(f) for regulating the use of public roads and the traffic thereon ; for the temporary occupation or use of public roads and lands vested in the Board ; and for securing cleanliness, safety and order in respect of the same ;

(g) for defining the conditions on or subject to which and the circumstances in which and the areas or

localities in respect of which any license or permission under this Regulation may be granted, refused, suspended or withdrawn and fixing the fees payable in respect of such permission and the rents, fees and other charges to be levied for the use of any of the places specified in clause (a) or other property belonging to the District Board ;

(h) for providing for—

(i) the establishment of public ferries and their management ;

(ii) the issue of permission for plying ferry boats, the conditions on or subject to which such permission may be granted and the fees payable in respect of such permission ;

(iii) the rates of fees that may be levied on passengers, vehicles, animals, goods or the loads that may be carried in any public ferry boat ;

(iv) the safe, speedy, and convenient carriage and landing of passengers and property ;

(v) the maintenance of ferry boats in good order and the employment of competent men for working them ;

(vi) the inspection of the ferries and the ferry boats ; and

(vii) otherwise for the due discharge of their duty by farmers and ferrymen and other persons employed at a public ferry ; and

(i) generally for carrying out the purposes of this Regulation.

(2) Any person infringing any bye-laws made under this Regulation shall, on conviction before a Magistrate, be punished with fine not exceeding fifty rupees for each offence, and in case of a continuing offence, with a further fine not exceeding ten rupees for each day after written notice of the offence by the District Board.

District
Board may
prosecute.

58. A District Board, or any Officer or Committee of the Board authorised by the Board, may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalty, and for the punishment of any persons offending against the provisions of this Regulation, or of any bye-law thereunder, and may order the expenses of such prosecution or other proceedings to be paid out of the District Fund :

Provided that no prosecution for an offence under this Regulation or of any bye-law thereunder shall be instituted except within six months next after the commission of such offence.

59. Any prosecution under this Regulation or under any bye-law thereunder may be instituted before any Magistrate and every fine or penalty imposed under or by virtue of this Regulation or any bye-law thereunder and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Regulation may be recovered, on application to such Magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

Jurisdiction
of Magistrates

60. (1) A District Board may—

(a) compromise with any person who in the opinion of the District Board has committed an offence punishable under this Regulation or any bye-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence.

Power to
compromise
and com-
pound
offences.

(b) withdraw from prosecutions instituted under this Regulation or under any bye-law thereunder.

(c) compound any offence against this Regulation or any bye-law made thereunder, which may, by rules made by the Government, be declared compoundable.

Provided that the Government may make rules to regulate the proceedings of persons empowered to compromise offences under this section.

(2) Sums paid by way of compensation under this section shall be credited to the District Fund.

61. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Regulation, any damage to the property of any District Board shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty, and the value of the damage shall, in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted. Such value shall be recoverable in the manner provided under Chapter VII.

Damage to
any District
Board pro-
perty how
made good.

CHAPTER VI.

FINANCE.

District
Fund, its
custody and
investment.

62. (1) There shall be in each district a fund which shall be called the District Fund, and be administered by the District Board of the District.

(2) It shall be lawful for a District Board to deposit at interest with the Mysore Government Savings Bank or with the sanction of the Government in any Bank in Mysore. any surplus funds in its hands which may not be required for current charges and with the like sanction invest such funds in securities of the Government of India or of the Government of Mysore or such other securities as the Government may, from time to time, approve in this behalf, and vary such investment or dispose of such securities with the like sanction.

(3) The District Fund over and above what is invested as provided for in sub-section (2), shall be kept in the Government Treasury of the district.

Constitution
of District
Fund.

63. The following shall form part of, or be paid into, the District Fund—

(i) the balance of the District Fund and the whole or such portion of the Taluk Funds at the commencement of this Regulation as the Government may direct in this behalf;

(ii) such portion of the local cess on land revenue and of other local rates levied or leviable by the Government as may be assigned from time to time for expenditure by the District Board.

(iii) all rates, cesses, tolls, fees and penalties paid to or levied by or on behalf of the District Board under this Regulation and all fines imposed by a Magistrate under this Regulation or the bye-laws framed thereunder;

(iv) all rents from lands or other properties of the District Board;

(v) all interest, profits and other moneys accruing by gifts or transfers from the Government or private individuals or otherwise;

(vi) all proceeds of land and other property sold by the District Board including sale proceeds of grass and of the produce of trees not vested in private individuals on the sides of roads and on other public ground under the control and administration of the District Board and of timber fallen or felled therefrom; and

(vii) all sums received by or on behalf of the District Board by virtue of this or any other Regulation.

64. All property vested in the District Board under this Regulation and all funds received by it in accordance with the provisions of this Regulation and all sums accruing to it under the provisions of any law for the time being in force, shall be applied for expenditure as provided for in this Regulation.

District Board property and District Fund how to be applied.

Provided that all sums made over to or realised by a District Board for any specific purpose shall be applied solely for that purpose.

65. Expenditure by a District Board out of the District Fund shall, save as otherwise provided by this Regulation, be made within the area subject to its authority only, but may, with the sanction of the Government, be made outside that area for any of the purposes mentioned in this Regulation.

District Fund where to be expended.

But nothing herein contained shall be deemed to require the special sanction of the Government for payment of the following charges:—

(a) for audit of accounts of the District Boards;

(b) for the payment of travelling allowances of persons undergoing anti-rabic treatment at rates approved by the Government;

(c) for other charges expressly required or authorised to be incurred from the District Fund by any law in force or rule or order made by the Government in conformity with the provisions of this Regulation.

66. (1) Subject to the rules prescribed by the Government in this behalf, a District Board may levy tolls on carts, carriages, vehicles or animals at toll gates or stations established along roads and bridges vested in it, at rates sanctioned by the Government in each case not exceeding those specified in Schedule III.

Tolls.

(2) A District Board may compound with any person for a sum to be paid annually or half-yearly in lieu of all such tolls either generally or in respect of all roads and bridges in the district vested in the District Board or specially in respect of any particular road or bridge in the district and may issue passes to such person in respect of his carts, carriages, vehicles and animals, provided that such composition shall include all the carts, carriages, vehicles and animals possessed by the person so compounding.

(3) The District Board may, with the previous sanction of the Government, declare that payment of tolls on carts, carriages, vehicles or animals at any toll gate or station or bridge, whether within or without Mysore, shall clear such carts, carriages, vehicles or animals at any other toll gate or station or bridge.

(4) Exemptions from payment of tolls shall be regulated by the rules prescribed by the Government in this behalf.

(5) No more than one payment of toll under this Regulation shall be demanded at any toll gate, station, or bridge in a district in respect of any carts, carriages, vehicles or animals in any one period of 24 hours counted from sunrise to sunrise. Provided that when toll has been paid at any toll gate, station, or bridge in respect of any carts, carriages, vehicles or animals not laden or ridden, the difference between such toll and the toll payable in respect of such carts, carriages, vehicles or animals laden or ridden, shall be payable, if such carriages, carts, vehicles or animals again pass through such toll gate, station or bridge, laden or ridden within such period.

(6) Any toll contractor or lessee of a toll gate or station or any person employed by the District Board or authorised by the lessee to collect the tolls may refuse to allow any person liable to the payment of the same, to pass through such toll gate or station, until the proper toll has been paid.

(7) Any person, who being liable to the payment of toll under this Regulation, fraudulently or forcibly passes any toll gate or station without paying the proper toll, or obstructs the person authorised to collect toll in the discharge of his duties, shall be liable, on conviction before a Magistrate, to a fine not exceeding Rs. 50.

(8) Whoever, not being duly authorised to collect tolls, levies or demands any toll on any public road or bridge, or whoever duly authorised to collect tolls, demands or levies more than the rates authorised, shall be liable, on conviction before a Magistrate, to a fine not exceeding Rs. 200 or to simple or rigorous imprisonment not exceeding six months.

(9) If a person refuses to pay any toll on demand and passes through a toll-gate or station, the person duly authorised to collect the same may seize any of the carts, carriages, vehicles or animals on which it is chargeable or any part of their burden, of sufficient value to defray the toll.

(10) If any toll remains undischarged for 24 hours after any property has been seized under sub-section (9), it shall, after 24 hours' notice, exclusive of Sunday or any close holidays, be sold by the President or a person duly authorised, by public auction for the discharge of the tolls, and all expenses occasioned by such non-payment, seizure and sale and the balance, if any, returned on demand to the owner of the property, provided that if at any time before the sale is concluded tender is made of the amount of all the expenses incurred and of the toll payable, the property seized shall forthwith be released.

(11) In all cases of resistance to the lawful authority of the persons authorised to collect tolls, all police officers shall assist when required, and, for this purpose, shall have the same power which they have in the execution of their ordinary police duties.

(12) A table of the tolls authorised to be taken at any toll gate or station under this section with a statement of the penalties on refusing to pay the same, legibly written in English and Kannada, shall be put up in a conspicuous place near such gate or station. It shall be the duty of the person in charge of such gate or station to keep such table in a proper and legible condition. When the table of tolls is not so put up at any toll gate or station, no toll shall be levied thereat during such time.

67. Every District Board shall levy an education cess at a rate not less than six pies, but not exceeding one anna in the rupee on all items of revenue on which local cess is levied, to be utilised solely for purposes of education in the district.

District Board to levy education cess.

68. The District Board may levy, with the previous sanction of the Government and subject to such rules as may be framed by the Government in this behalf, a railway cess not exceeding six pies in the rupee on all items of revenue on which local cess is levied, to be utilised solely in the construction of tramways and railways or for guaranteeing the payment of interest on capital expended on any railway, tramway or other works which may directly improve the means of communications within the district or between the district and other districts.

Power of District Board to levy Railway cess.

69. A District Board may levy, with the previous sanction of the Government and subject to such rules as may be made by the Government in this behalf, a special cess for carrying out any of the duties imposed on it by sub-section (1) of Section 45.

Power to levy any other cess.

Rents and
Fees.

70. Subject to the bye-laws made in this behalf, a District Board may charge fees for any permission issued under this Regulation, and levy rents and fees for the occupation or use of any road, land or other property placed under its control or vested in it or maintained out of the District Fund.

Agency for
Collection.

71. The local cess, the railway cess and the education cess shall be collected by the Departmental Government Officers or establishments concerned, along with the principal items of revenue on which the cess is leviable. All other items of revenue shall be collected by such agency as the District Board appoints in this behalf with the approval of the Government, provided that it shall be lawful for a District Board to lease the right to levy tolls or any fee that may be imposed under this Regulation by public auction, subject to the rules prescribed, and the amount due under such lease shall be recoverable in the manner provided under Chapter VII.

District
Board may
raise loans
and may
form a sink-
ing fund.

72. It shall be lawful for a District Board, with the previous sanction of the Government and subject to the conditions imposed by it, from time to time, to raise loans for constructing a railway or tramway or for the execution of any work or for the purpose of carrying out any of the provisions of this Regulation, and to form a sinking fund for the repayment of such loans.

Grant of
loans to en-
courage local
arts and
industries.

73. Subject to the rules that may be made by the Government from time to time, a District Board may grant loans from the District Fund to encourage local arts and industries and recover the same in the manner provided in Chapter VII.

Contribution
to expendi-
ture incurred
by the Gov-
ernment
and power to
make grant-
in-aid.

74. Subject to the previous sanction of the Government, a District Board may make grants-in-aid to any medical, educational or charitable institutions or any other institution of public utility, within or without the area under its authority, whether it be under public or private management.

Arrange-
ments pur-
porting to
be binding
permanently
or for a term
of years.

75. When a District Board has entered into any arrangement, or made any promise, purporting to bind itself or its successors for a term of years or for an unlimited period, to continue to any institution a yearly contribution from its property or from the District Fund, it shall be lawful for the District Board or its successors, with the sanction of the Government, to cancel such arrangement or promise, or to discontinue or to diminish such contribution, provided that it shall have given

at least one year's notice of its intention so to do to the manager or managers of such institution.

76. (1) Every District Board shall, on or before the prescribed day in each year, hold a meeting at which the Standing Committee shall submit to the Board, in such form as the Government may, from time to time, by rule prescribe, an estimate of the income and expenditure of the Board for the next official year.

Annual
estimates of
income and
expenditure.

(2) The District Board shall consider the estimate and may approve of it with or without modification.

(3) The District Board shall, on or before the prescribed day, cause a copy of the estimate as approved by it to be sent to Government through the Deputy Commissioner who shall forward a copy of his remarks, if any, to the District Board and it shall be competent to the Government to sanction the estimate with such modification, if any, as it deems fit.

(4) The District Board may sanction transfer of funds from any one major or minor head in the budget to any other major or minor head by a re-appropriation of an allotment sanctioned in the budget.

(5) No expenditure which is not provided for in the estimate as approved or modified by the Government shall be incurred during the year to which the estimate relates, without the previous sanction of the Government obtained on one or more supplemental estimates.

77. Accounts of all the receipts and expenditure of every District Board shall be made up to the last day of every official year, in such form as the Government may, from time to time, prescribe, and shall be examined and audited as soon as may be, after the end of each official year by such persons as the Government may, from time to time, appoint in this behalf.

Annual
accounts and
audit.

78. The District Board shall cause a copy of every estimate approved under Section 76 and of every account made up under Section 77 to be kept at its office; and any person may at all reasonable times inspect any such estimate or account.

Inspections of
estimates and
accounts.

79. An abstract of every annual account of a District Board, showing its income under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work, and of its assets and liabilities, shall be prepared by the District Board and submitted to the Government.

Submission
of abstract
of accounts
to the Gov-
ernment.

CHAPTER VII.

RECOVERY OF DUES.

Notice of
demand for
fee, cess or
other dues.

80. (1) When any sum not being a toll payable on demand—

(a) which by or under the provisions of this Regulation, is declared to be recoverable in the manner provided by this Chapter, or

(b) which is claimable as a fee, cess or other due under this Regulation or any rule or bye-law thereunder, shall have become payable and remain unpaid ten days after the same is due, the President of the District Board, or some person duly authorised by the President in writing in this behalf, may serve upon the person or persons liable to pay such sum, a notice in writing, in a form to be prescribed by the rules framed in this behalf.

Distress.

(2) If such person does not within fifteen days from the service of such notice of demand upon him, pay the sum due, or show cause to the satisfaction of the President, why the same should not be paid,

The President or other person duly authorised by the President in writing in this behalf, may levy such sum, with all costs, by distraint and sale of the movable property of the defaulter.

Warrant for
distrain.

81. In order to effect the distraint and sale of property under sub-section (2) of Section 80, the President or other officer duly empowered by him in this behalf shall issue a warrant in the form to be prescribed by rules and for each such warrant, a warrant fee of two annas shall be leviable.

Inventory,
sale.

82. The President, or other person duly authorised as aforesaid, shall make an inventory of the property distrained, a copy of which shall, on demand, be delivered to the defaulter or any person on his behalf, and if the amount due is not paid within fifteen days after distraint, the property may be sold.

Receipts to
be given for
all payments
of fees, etc.

83. The President of the District Board shall give or cause to be given to every person making payment of a toll, fee, cess or other dues, a receipt therefor signed by him or some person duly authorised by him in that behalf. Such receipt shall specify—

(1) the date of the grant thereof,

(2) the name of the person by whom it is granted,

(3) the toll, fee, cess or other dues in respect of which the payment has been made,

(4) the period for which the payment has been made, and

(5) the amount in respect of which it is granted.

84. (1) Whenever, under the provisions of this Regulation, any property is distrained, seized or sold in consequence of the non-payment of any fee, cess or other dues, not being a toll, such distraint, seizure and sale shall be effected subject to the provisions of the following sub-sections and of Section 62 of the Code of Civil Procedure.

Conditions of
distrain and
sale

(2) All such property as is by the Civil Procedure Code exempted from attachment or sale in execution of a decree shall be exempt from distraint or sale under this section.

Exemption
from
distrain
and sale

(3) The distress shall not be excessive, that is to say, the property distrained shall be, as nearly as possible, proportionate to the amount due on account of the fee, cess or other dues and distraint fee and the probable expenses incidental to the detention and sale of the said property.

Limit of
distrain.

(4) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody and the amount due will exceed its value, the person seizing the property shall at once, after seizure of such property, give notice to the person in whose possession it was when seized to the effect that it will be sold at once, and shall sell it accordingly unless the amount due be forthwith paid.

Perishable
property.

(5) Any surplus that may remain after deducting the amount of the fees, cesses or dues and of the said expenses, including the expenses of the sale, shall be returned on demand if made within six months to the owner of the property, or if no demand be made within such period, shall be credited to the District Fund.

Surplus sale
proceeds

(6) If any claim shall be set up by a third person to movable property distrained under the provisions of this chapter, the President shall admit or reject the claim on a summary enquiry held after reasonable notice. If the claim be admitted wholly or partly, the property shall be dealt with accordingly. Except in so far as it is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposable as hereinbefore directed.

Claims to
distrained
property how
to be disposed
of.

Provided that nothing in this sub-section shall be deemed to bar the claimant or any person having any interest in the property distrained, from seeking relief in a Civil Court having jurisdiction.

Recovery of
arrears at the
commence-
ment of the
Regulation.

85. All arrears of fees, cesses and other sums due to a District Board or Taluk Board at the time of the commencement of this Regulation may be recovered by the District Board having authority over the District as though they had accrued under this Regulation.

Recovery of
amount due
by suit not
precluded.

86. Nothing herein contained shall preclude the institution of a suit for any amount due under this Regulation.

87. No distraint shall be made and no suit shall be instituted in respect of any sum due to the District Board under this Regulation other than cesses collected under Section 71, after the expiration of a period of three years from the date on which such distraint might have been made or suit might have been instituted, as the case may be, in respect of such sum.

CHAPTER VIII.

OFFICERS AND SERVANTS OF DISTRICT BOARDS.

District
Board may
appoint Chief
Officer,
Health Officer
and Engineer.

88. (1) Any District Board may, with the sanction of the Government, appoint a Chief Officer, a Health Officer and an Engineer or any one or more of such officers, or appoint one person, whether temporarily or permanently, to discharge the duties of any two or of all such offices and pay such salaries to him or them as the Government, having regard to the financial condition of the District Board, may direct.

(2) Subject to such rules, if any, as may be framed by the Government from time to time, all such officers of the District Board shall be subordinate to the District Board. No such officer shall be removable from office except with the previous sanction of the Government.

(3) When a Chief Officer is appointed, all other officers and servants employed by the District Board, save such as are excepted by order of the Government from time to time, shall be subordinate to him.

(4) The Chief Officer of a District Board shall exercise the powers delegated to him by the District Board in addition to the powers that may be conferred on him by such rules as may be framed by the Government in this behalf.

(5) The Chief Officer may, with the permission of the President, or in virtue of a resolution passed in this

behalf at any meeting of the District Board or of any Committee, make an explanation in regard to any subject under discussion at such meeting, but shall not vote upon or move any proposition at such meeting.

89. Every District Board shall employ such other officers and servants as may be necessary and proper for the efficient execution of its duties and shall assign to them such pay, allowances, gratuities and pensions as the Government may direct.

Other Officers
and servants

90. The recruitment, pay, leave, punishment, transfer, pensions, gratuities and other matters relating to the officers and servants of District Boards shall be regulated by the Mysore Service Regulations and the special or general orders and rules made by the Government in this behalf.

Service
Regulations

CHAPTER IX.

CONTROL AND MISCELLANEOUS.

91. The Government may, by order in writing, amend any proceedings or resolution of a District Board which it considers to be not in conformity with the provisions of this Regulation and the rules or bye-laws in force thereunder, and may do all things necessary to secure such conformity.

Government's
power to
amend
proceedings
of District
Boards.

92. Subject to such rules as the Government may frame from time to time in this behalf, the Deputy Commissioner of a District shall have power—

Inspection of
offices of
District
Boards

(a) to inspect the office of the District Board or Boards in the District,

(b) to call for records of the District Board or Boards in the District either on his own motion or on the application of an aggrieved party and to submit the same with his opinion to the Government for such orders as it may deem fit to pass, if he is satisfied that the order or proceeding of the District Board or its executive is contrary to law.

93. (1) The Deputy Commissioner of the District shall have power to supervise the proceedings of the District Board or Boards and of the several Committees in the District, and in the exercise of that power may (among other things)—

Deputy
Commissioner's
power of
supervision

(a) enter on and inspect or cause to be entered on and inspected, any immovable property occupied by the

District Board or a Committee, or any work in progress under its direction; and

(b) call for and inspect, for the purposes of this Regulation, any document which may be in the possession, or under the control, of a District Board or a Committee in the District; and

(c) require the District Board or a Committee to furnish such statements, accounts and reports as he thinks fit.

(2) Where a Joint Committee is appointed by the District Boards of two or more Districts, the Deputy Commissioner of any of those Districts may exercise a like power in respect of the proceedings of that Committee; but if any difference arises between two or more Deputy Commissioners acting under this sub-section, it shall be referred to the Government, for its decision.

Power to
suspend
execution of
orders, etc

94. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a District Board or a Committee, or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of, this Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof within his District.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Government a copy of the order, with a statement of the reasons for making it, and it shall be in the discretion of the Government, after affording the Board reasonable opportunities for stating its case, to rescind the order, or to direct that it continue in force with or without modification, permanently or for such period as it thinks fit.

Extraordi-
nary powers
of Deputy
Commissioner
in cases of
emergency.

95. (1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a District Board is empowered to execute or do under sub-section (1) of Section 45, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute, or to do it, shall be forthwith paid by the District Board.

(2) If the expense and the remuneration are not so paid, the Deputy Commissioner may make an order

directing the person having the custody of the balance of the District Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

(3) The Deputy Commissioner shall forthwith report to the Government every case in which he exercises the powers given to him by this section and on receiving such report the Government may pass such orders as it deems fit.

96. (1) When Government is informed on complaint made or otherwise that a District Board has made default in performing any duty imposed on it by or under this Regulation, the Government, if satisfied after due enquiry that the District Board has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

Power to provide for performance of duties in default of District Board

(2) If that duty is not performed within the period so fixed, the Government may appoint some person to perform it and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the District Board.

(3) If the expense and the remuneration are not so paid, the Government may make an order directing the person having the custody of the balance of the District Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

97. (1) If a District Board is not competent to perform, or, persistently makes default in the performance of, the duties imposed on it by or under this Regulation or otherwise by law, or exceeds or abuses its powers, the Government may, by an order published, with the reasons for making it, in the *Official Gazette*, declare the District Board to be incompetent, or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

Power to supersede District Board in case of incompetency, default or abuse of powers.

(2) When a District Board is so superseded, the following consequences shall ensue :—

Consequences of supersession of District Board

(a) all members of the District Board shall, as from the date of the order, vacate their office as such members ;

(b) all powers and duties of the District Board may, during the period of supersession, be exercised and performed by such person or persons as the Government, from time to time, appoints in that behalf ;

(c) all property vested in the District Board shall, during the period of supersession, vest in the Government subject to all rights over and all debts, liabilities and obligations, if any, affecting that property.

(3) On the expiration of the period of supersession specified in the order, the District Board shall be re-established by appointment or election, and the persons who vacated their offices under clause (a) shall not be deemed disqualified for appointment or election.

Disputes

98. If any dispute, for the decision of which this Regulation does not otherwise provide, arises between two or more District Boards, or between a District Board and one or more Municipal Councils, the matter shall be referred to the Government whose decision shall be final.

Powers of Government and of the Deputy Commissioners over subordinates.

99. In all matters connected with this Regulation, the Government and each Deputy Commissioner shall respectively have and exercise the same authority and control over the Deputy Commissioners and their subordinates as it or he has and exercises over them in the general and revenue administration.

Power to make rules or orders.

100. (1) The Government may make rules or orders to carry out all or any of the purposes of this Regulation not inconsistent therewith and prescribe forms for any proceeding for which it considers that a form should be provided.

(2) In particular and without prejudice to the generality of the foregoing power, it shall have power to make rules or orders,—

(a) with reference to all matters expressly required or allowed by this Regulation to be prescribed,

(b) with reference to all matters relating to election or appointment of members, the election of Presidents and Vice-Presidents, and the constitution of District Boards,

(c) with respect to the conduct of business of District Boards and Committees.

(d) as to the remuneration and allowances, if any, of members, Presidents and Vice-Presidents, the conditions under which and the rates at which payment of travelling expenses shall be made,

(e) as to delegation of powers to Presidents, Vice-Presidents or other officers or members or Committees,

(f) as to the submission of resolutions on questions connected with the administration of the District,

(g) as to the intermediate offices, if any, through which correspondence between District Boards and the Government or Government officers shall pass,

(h) as to the conditions on which property may be acquired or transferred by District Boards,

(i) as to the mode of payment from the District Fund and the authority under which District Fund shall be expended,

(j) as to the conditions on which grants-in-aid shall be paid from the District Fund,

(k) as to the raising of loans by District Boards and the grant of loans for the encouragement of local arts and industries,

(l) as to the levy of tolls, fees and cesses, remissions and exemptions to be granted and the writing off of irrecoverable arrears,

(m) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of District Boards and the power of the District Boards or the Government officers to accord professional or administrative sanction to estimates,

(n) as to the accounts to be kept by District Boards, the manner in which such accounts shall be audited and the appointment and payment of auditors,

(o) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by District Boards,

(p) as to the mode in which the officers of Government shall advise and assist District Boards in carrying out the purposes of this Regulation,

(q) as to the recruitment of officials and their qualifications and with regard to control, transfer, punishment or dismissal of officers and servants of District Boards and with regard to the pay, leave, pension and other privileges of such employees, and

(r) as to the guidance generally of District Boards, Committees, Joint Committees and Government officers in all matters connected with the administration of this Regulation and not therein specially provided for.

101. The Government may, subject to the approval of the Legislative Council by a resolution recorded in that behalf, alter, add to or cancel any of the schedules of this Regulation and such alteration, addition or cancellation when published in the official gazette shall have the force of law and all references in this Regulation to any of the

Power of
Government
to amend,
add to or
cancel
schedules.

aforesaid schedules shall be construed as referring to such schedules as for the time being amended in exercise of the power conferred by this section.

Power under special circumstances to exempt District from operation of Regulation

102. (1) If the circumstances of any District or part of a District are in the opinion of the Government such that any of the provisions of this Regulation are unsuited thereto, the Government may, by a notification in the official gazette, exempt the District or part of the District from the operation of those provisions and thereupon those provisions shall not apply to the exempted District or part of the District until again applied thereto by a subsequent notification of the Government.

Power to make rules in relation to notification under sub-section (1)

(2) While any notification under the former part of sub-section (1) of this section is in force, the Government may make rules to provide for any matter dealt with by the provisions of this Regulation to which the notification applies. Such rules, when published in the official gazette, shall have the force of law.

Publication of rules

103. All rules made by the Government under this Regulation shall be published in the official gazette both in English and Kannada.

Penalty for member, officer or servant of a District Board having an interest in any contract, etc., with that Board

104. If any member of a District Board or any officer or servant maintained by or employed under a District Board has directly or indirectly any share or interest in any work done by order of the Board of which he is a member or by which he is maintained or under which he is employed or in any contract with or under such Board, he shall be liable on conviction before a Magistrate to a fine not exceeding rupees five hundred.

Provided that no person shall be convicted under this section by reason only of such person -

(a) having a share in any Joint Stock Company or a share or interest in any literary association registered under the Societies Registration Regulation, 1904, or in any society registered under the Mysore Co-operative Societies Regulation, which shall contract with or be employed by or on behalf of the District Board, or

(b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the District Board may be inserted, or

(c) holding a debenture or being otherwise concerned in any loan raised by or on behalf of the District Board, or

(d) being professionally engaged on behalf of the District Board as a Legal Practitioner.

105. Every member of a District Board and every officer and servant maintained by or employed under a District Board shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

Members
etc., of
District
Boards to
be public
servants.

106. No action shall be brought against any District Board, or any of its officers, or any person acting under its direction, for anything done or purporting to be done under this Regulation, until the expiration of two months next after notice in writing shall have been delivered or left at the office of the Board or at the place of abode of such person; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed and the name and the place of abode of the intending plaintiff.

Restrictions
with respect
to actions
against
District
Board

And every such action shall, unless it is an action for the recovery of immovable property or for a declaration of title thereto, be commenced within six months next after the accrual of the cause of action and not afterwards.

107. Where any land is required for the purpose of this Regulation, the Government may, at the request of the District Board, proceed to acquire it under the provisions of the Land Acquisition Regulation, 1894; and on payment by the District Board of the compensation awarded under that Regulation and the charges incurred by the Government in connection with the proceedings, the land shall vest in the District Board.

Acquisition of
land.

108. (1) Whoever shall have built or set up, or shall build or set up, any wall or any fence, rail, post, stall, verandah, platform, plinth, step, or any projecting structure, or thing, or other encroachment or obstruction, in any public street, or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, gutter, sewer or aqueduct in such street, shall, on conviction by a Magistrate, be punished with fine which may extend to Rs. 25.

Obstructions
and encroach-
ments upon
public streets
and open
spaces.

(2) The District Board shall have power to remove any such obstruction or encroachment, and shall have the like power to remove unauthorised obstruction or encroachment of the like nature in any open space vested in or under the control of the District Board, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the manner provided in Chapter VII.

Transitory
provision

109. It shall be competent to the Government to declare that any District Board established under the Mysore Local Boards and Village Panchayets Regulation, 1918, and existing immediately prior to the commencement of this Regulation in the district, shall be deemed to be a District Board established under this Regulation and shall exercise all the powers of a District Board under this Regulation until such date as the Government shall fix in this behalf. The President, Vice-President and members of such District Board as constituted immediately prior to the commencement of this Regulation shall then be deemed to have been appointed or elected under the provisions of this Regulation and their term of office shall expire on the aforesaid date fixed by the Government.

SCHEDULE I.

QUALIFICATIONS FOR VOTERS IN A GENERAL CONSTITUENCY.

(See Section 9.)

(1) A person shall be qualified as a voter in a general constituency who—

(i) is the registered occupant of land situated in the constituency and assessed to land revenue of not less than Rs. 25 per annum payable to the Government; or

(ii) is a Kadim tenant assessed to an annual rent of not less than Rs. 25 per annum on account of land held by him in the constituency to the holder of an alienated village to which the provisions of Chapters VIII to X of the Land Revenue Code have been applied; or

(iii) is assessed to an annual tax on buildings or shops of not less than Rs. 5 in the constituency, or

(iv) is the owner of alienated lands which would be assessed, if they were not alienated, to the land revenue at not less than Rs. 25 per annum, or

(v) is a Graduate of University and ordinarily resides in the constituency; or

(vi) is a retired and pensioned officer (whether commissioned or non-commissioned) of the Mysore State Troops and resides in the constituency; or

(vii) is assessed to income-tax to the Government and resides in the constituency.

(2) If property is held or payments are made jointly by the members of a joint family or partnership, the family or partnership shall be adopted as a unit for deciding whether the qualification exists; and the vote shall be exercised, in the case of a Hindu Joint Family by the manager thereof, or the member authorised by a majority of the family, and in other cases by the member or partner authorised in that behalf by a majority of the family or partnership concerned.

Explanation.—"Partnership" includes a company, firm, association, body of two or more guardians or trustees or the joint pattadars or other body possessing joint rights.

SCHEDULE II.

PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENSE.

(See Section 55.)

(a) As a shop for sale of animals intended for human food or of meat or of fish :

(b) as a dairy, hotel, restaurant, eating-house, coffee house, sweetmeat shop, bakery, boarding house or lodging house (other than a students' hostel under public or recognised control), or for manufacturing ice or aerated waters ;

(c) for any of the purposes mentioned hereunder—

- (1) for boiling or storing offal, blood, bones or rags,
- (2) for salting, curing and storing fish,
- (3) for storing hides, horns, skins or organic manure,
- (4) for tanning,
- (5) for the manufacture of leather or leather goods.
- (6) for dyeing,
- (7) for melting tallow or sulphur,
- (8) for washing or drying wool or hair,
- (9) as a brick, pottery or lime kiln,
- (10) for soap-making,
- (11) for boiling, pressing, cleansing, preparing or manufacturing, by any process whatever, oil (edible or non-edible),
- (12) as a manufactory of sago,
- (13) as a distillery,
- (14) for storing hay, straw, fodder, wood, coal or other combustible material,
- (15) as a manufactory or place of business of any other kind from which offensive or unwholesome smells, fumes or dust arise or which may involve risk of fire.

SCHEDULE III.

MAXIMUM RATES OF TOLLS.

(See Section 66.)

				Rs.	a.	p.
1.	On every motor bus as defined in the motor Vehicles Rules	..	...	..	2	0 0
2.	On every motor car	...	..	...	1	0 0
3.	On every motor tricycle or bicycle	...	..	..	0	4 0

		Rs	a.	p.
4.	On every other vehicle of any description propelled by steam or other motor power ...	1	0	0
5.	On every four-wheeled carriage ...	0	12	0
6.	On every two-wheeled carriage on springs other than a jutka or ekka ...	0	8	0
7.	On every ekka or jutka, laden ..	0	4	0
8.	On every ekka or jutka unladen ...	0	2	0
9.	On every other vehicle with springs including tricycle or bicycle ...	0	2	0
10.	On every cart or other vehicle not on springs drawn by 8 bullocks, buffaloes, horses, ponies, asses or mules, if laden ...	1	0	0
11.	On every cart or other vehicle not on springs drawn by 8 bullocks, buffaloes, horses, ponies, asses or mules, if not laden ...	0	8	0
12.	On every cart or other vehicle not on springs drawn by 6 bullocks, buffaloes, horses, ponies, asses or mules, if laden ...	0	8	0
13.	On every cart or other vehicle not on springs drawn by 6 bullocks, buffaloes, horses, ponies, asses or mules, if not laden ...	0	4	0
14.	On every cart or other vehicle not on springs drawn by 4 bullocks, horses, buffaloes, ponies, asses or mules, if laden ...	0	6	0
15.	On every cart or other vehicle not on springs drawn by 4 bullocks, horses, buffaloes, ponies, asses or mules, if not laden ..	0	3	0
16.	On every cart or other vehicle not on springs, drawn by 2 bullocks, buffaloes, horses, ponies, asses or mules, if laden ...	0	4	0
17.	On every cart or other vehicle not on springs, drawn by 2 buffaloes, bullocks, horses, ponies, asses or mules, if not laden ...	0	2	0
18.	On every cart or other vehicle not on springs, drawn by a single bullock, buffalo, horse, pony, ass or mule, if laden ...	0	2	0
19.	On every cart or other vehicle not on springs, drawn by a single bullock, buffalo, horse, pony, ass or mule, if not laden ..	0	1	0
20.	On every buffalo or bullock per head, if laden ...	0	1	0
21.	On every buffalo or bullock per head, if not laden ...	0	0	6
22.	On every elephant ...	1	0	0
23.	On every camel, if laden ...	0	4	0
24.	On every camel, if not laden ...	0	2	0
25.	On every horse, if laden or ridden ..	0	1	6

		Rs	a	p
26.	On every horse, if unladen or unriden	..	0	0 9
27.	On every thattu or mule, if laden or ridden	...	0	0 6
28.	On every thattu or mule, if unladen or led	.	0	0 6
29.	On every ass, if laden or ridden	..	0	0 6
30.	On every ass, if unladen or led	...	0	0 3
31.	On every sheep, goat or pig	...	0	0 1
32.	On every palanquin, dooly, palna or tonjon with two bearers	...	0	2 0
33.	On every palanquin, dooly, palna or tonjon with more than two bearers	..	0	4 0

N.B.—Animals drawing any vehicles for which toll can be demanded are not also to be charged with toll.

REGULATION IV OF 1926.

*(Received the assent of His Highness the Maharaja
on the first day of July 1926.)*

**A Regulation further to amend the Mysore Municipal
Regulation, VII of 1906.**

Whereas it is expedient further to amend the Mysore Municipal Regulation, 1906. It is hereby enacted as follows:—

Amendment
of Section 10

1. For the proviso to sub-section (1) of Section 10, the following shall be substituted:—

In specified
proportions

“(a) The number of elected councillors shall not be less than two-thirds in the case of City Municipal Councils and not less than one-half, in the case of other Municipal Councils, of the whole number of Councillors; and of the number of nominated councillors, the salaried servants of the Government, if any, shall not exceed one-half.

Provided that when a President appointed by Government under clauses (a) and (b) of sub-section (2) of Section 23 or when a President elected under clause (d) of the same sub-section is not a Councillor, the two-thirds and one-half of the whole number mentioned in this Section shall be exclusive of the President so appointed or elected and the President so appointed or elected shall be an additional Councillor.”

2. For the words “for the like period, has been paying” in clause (c) of Section 12, the words “was for the preceding year, assessed to” shall be substituted.

3. After sub-section (2) of Section 13, the following new sub-section shall be inserted:—

Amendment
of Section 13

“(3) A person shall not be qualified to be elected as a Councillor unless he is enrolled in the Municipal Election Roll and a person who is already a Councillor shall not be qualified to be a candidate at a bye-election held before his term of office as Councillor expires.

Enrolment in
Municipal
Election Roll
necessary for
elected Coun-
cillor.

Provided that if any company, body corporate, or other association of the individuals is enrolled in the Municipal Election Roll, any one person who is authorised

Representa-
tive of As-
sociation

in writing in this behalf by such association to represent it and who is not subject to any of the disqualifications under this Regulation, shall be deemed to be qualified to be elected a Councillor."

Amendment
of Section 23.

4. For Section 23 of the Regulation, the following shall be substituted :

Every Municipal Council to have a President and if Government so directs, one or more Vice-presidents.

Appointment
of President.

" 23. (1) For every Municipal Council there shall be a President, and if and whenever Government so directs, one or more than one Vice-President. Where there are more Vice-Presidents than one, the Government may direct which of them is the senior for the purpose of this Regulation.

(2) The President may be—

(a) appointed by the Government by name, or

(b) appointed by the Government *ex-officio*,

that is to say, as executing the functions of any office which the Government from time to time notifies in this behalf, or

(c) if the Government so directs, elected by the councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf, or

(d) if the Government so directs, elected by persons entitled to vote under Section 13, subject to such rules and conditions as may be prescribed by the Government in this behalf.

Effect of
notification
of *ex-officio*
President.

(3) When an office has been notified under clause (b) of sub-section (2), the person from time to time executing the functions of that office shall continue to be President, unless and until such notification is altered or rescinded by the Government.

Election of
Vice-President.

(4) The Vice-President shall be elected by the Councillors from among their number in accordance with such rules and conditions as may be prescribed by Government in this behalf.

Provided that the Government may, for special reasons and in the case of such Municipal Councils as it may be deemed fit, appoint the Vice-President by name.

Arrangement
during inter-
regnum

(5) During the period, if any, intervening between the expiry of the term of a President or reconstitution of a Municipal Council and the election or nomination as the case may be of another President, the Deputy Commissioner in the case of City Municipalities and Municipalities at district head-quarters, or the Amildar in the case of other Municipalities shall, notwithstanding any-

thing contained in this Regulation or in the rules or notifications issued thereunder, perform the functions of the President until such elected or nominated President enters on his duties.

(6) Except in the case of a salaried servant of a Government who is either an appointed or *ex-officio* President, every President who, for a period exceeding two months and every Vice-President who for a period exceeding one month shall absent himself from the Municipality in such manner as to be unable to perform his duties as such President or Vice-President, shall cease to be President or Vice-President unless leave so to absent himself has been granted—

Consequence-
of absence of
President or
Vice-Presi-
dent without
leave

(a) by the Government in the case of a President or Vice-President appointed by Government,

(b) by the Municipal Council in the case of an elected President or Vice-President.

(7) Leave under the last preceding sub-section shall not be granted for a period exceeding six months. Whenever leave is granted to a President and there is no Vice-President for the Council or the office of the Vice-President is vacant, the vacancy shall be filled up by election by the Council from among the Councillors, whether the President was elected under clause (c) or (d) of sub-section (2), within such period and in such manner as may be prescribed by rules framed by Government in this behalf. If the Council fail to elect the President or if the appointment of the President was under clause (a) of sub-section (2) the Government may fill up the vacancy. When leave is granted to a Vice-President or when he is acting for the President, the vacancy may be filled up by appointment or election, as the case may be, of some other Councillor thereto.

Limit of
grant of
leave and
arrangements
during leave.

(8) The term of office of every President and of every Vice-President shall cease on the expiry of his term of office as Councillor and every President and Vice-President shall be removable from his office as such President or Vice-President by the Government for misconduct in the discharge of his duties, or neglect of or incapacity to perform his duties after an opportunity is afforded for hearing him.

Term of
Office of
President and
Vice-Presi-
dent and
their liability
to be re-
moved

(9) In the event of the death, resignation or removal from office of a President other than an *ex-officio* President, or of a Vice-President, or of his becoming incapable of acting in such office or having ceased to be a

Vacancies in
their office
how to be
filled up

Councillor under sub-section (2) of Section 15, previous to the expiry of his term of office as President or Vice-President, the vacancy shall be filled up by appointment or election, as the case may be, in accordance with the provisions of the foregoing sub-section. For all the vacancies which are not otherwise provided for, the Government may appoint any person to perform all the duties and exercise all the powers of a President or Vice-President during such vacancy.

Remuneration of President and Vice-President of Municipal Council

(10) The President or Vice-President of any Municipal Council who is not a Government Officer may receive out of the Municipal Fund such monthly salary or allowances as such Municipal Council may sanction from time to time with the approval of Government. It shall be lawful for any Municipal Council to pay out of the Municipal Fund with the sanction of Government, salary or allowances to any Government Officer who is appointed as President or Vice-President."

Amendment of Section 26

5. (1) In clause (a) of sub-section (14) of Section 26, for the words "Civil Surgeon in a district when charged with any of the duties of a Health Officer therein," the words "Chief Sanitary Officer in a district" shall be substituted.

(2) In clause (b) of the same sub-section, the words "Chief Sanitary Officer" shall be substituted for the words "Civil Surgeon."

(3) For the explanation at the end of Section 26, the following shall be substituted:—

"*Explanation.*—The terms "Executive Engineer" and "Educational Inspector" in sub-sections (13) and (14) of this section include the principal Engineering and Educational Officer, respectively in or for the district."

Amendment of Section 29A.

6. In Section 29A of the Regulation, the words "a Committee called the Economic Committee to deal with questions relating to the development of Education, Agriculture and Industries and Commerce," shall be substituted for the words "three Committees to deal respectively with Education, Agriculture, Industries and Commerce."

Amendment of Section 31.

7. (1) In Section 31, for the words "one-third" after the words "shall not exceed" the word "one-half" shall be substituted.

(2) In the same Section, "29, 29A" shall be inserted for "29."

8. The following shall be substituted for proviso (a) to Section 46 of the Regulation, *viz.* :— Amendment of Section 46

“(a) It shall be competent for the Government to frame rules for the regulation of all or any of the matters specified in clauses (b) (ii), (c), (e), (f), (g) and (h) in respect of any Municipal Council or in respect of all or any of their employees and no rule made or any alteration or rescission of a rule made by a Municipal Council under this section shall have effect if it is repugnant to any rule made by the Government and unless and until it has been also approved by the Government.”

9. (1) After sub-clause (iii) of clause (b) under sub-section (1) of Section 48, the following new sub-clauses shall be inserted :— Amendment of Section 48

“(iv) as a dairy, hotel, restaurant, eating-house, coffee house, sweetmeat shop, bakery, boarding house, or lodging house (other than a students’ hostel under public or recognised control) or for manufacturing ice or aerated waters ;

(v) as a place for the preparation or manufacture of oil ;

(vi) for parching grain or Bengal gram on a large scale ;

(vii) or for any other purpose for which the taking out of a license is or may be prescribed.”

(2) At the end of clause (b) of the same sub-section, the following proviso shall be inserted :—

“Provided that in respect of matters falling under sub-clause (iv), (v), (vi) and (vii), the power to frame bye-laws shall be exercised only by the City Municipal Councils and by such other Municipal Councils as may be empowered by the Government in this behalf.

(3) For clause (c) under the same sub-section, the following shall be substituted :—

“Prescribing the conditions on, or subject to which and the circumstances in and the areas or localities in respect of which licenses may be granted, refused, suspended or withdrawn for the establishment in any premises, of any factory, workshop or workplace in which it is intended that steam, water, electrical or other mechanical power shall be employed, or for the use of whistles and trumpets, operated by steam, mechanical means or electricity in factories or other places for the purposes of summoning or dismissing workmen or persons employed.” For licensing the use of steam whistles etc

For constructing houses for the poor.

(4) In sub-section (1) of the same section, the following shall be inserted after clause (n) :—

“(nn) regulating the conditions for the construction, use and disposal of houses intended for the poor under clause (bb) of Section 56.”

(5) In clause (p) of the same sub-section, between the words “foundations” and “roofs,” the word “floors” shall be inserted.

For regulating, construction or use of buildings for grain shops and stores and for regulating construction or use of buildings so that they may not be a source of nuisance in residential localities, etc.
Amendment of Section 52

(6) After clause (p) of the same sub-section, the following new clause shall be added :—

“(pp) regulating the erection or use of buildings for grain shops or grain stores and regulating the use of sites for erection of buildings and regulating, in localities intended for residential purposes, the erection or use of buildings for shops, market places, manufactories, places of public resort or for any other purpose.”

10. In Section 52, after the first paragraph, the following additional proviso shall be inserted :—

“Provided that any funds granted to the Municipal Council by the Government for any specific work or purpose shall be applied exclusively for such work or purpose and in accordance with such instructions as the Government may lay down either generally or specifically in this behalf.”

Amendment of Section 56.

11. The following new clauses shall be added after clause (b) under Section 56 of the Regulation :—

“(bb) Constructing and maintaining, where necessary, suitable sanitary houses for the habitation of the poor.”

“(c) granting loans to encourage local arts and industries.”

Amendment 1 of Section 59.

12. (1) After clause (x) of section 59 of the Regulation, the following new clause (xi) shall be inserted, the present clauses (xi) and (xii) being re-numbered as (xii) and (xiii), respectively :—

“(xi) a tax on shops and other places where a business or profession is carried on for purpose of profit, payable half-yearly by the person or persons engaged in the business or profession at such rates not exceeding those specified in Schedule III (A) as may be fixed by the Municipal Council concerned.

Provided that where a Municipal Council elects to levy a tax under this clause, the person or persons paying the tax shall not be called upon to pay a tax on professions, trades and callings under clause (x) in respect of the business or profession carried on in the shop or place.”

2) In the proviso to the same section, the following clauses shall be substituted for clause (a), the present clauses (aa), (b) and (c) being re-numbered as (d), (e) and (f), respectively. ---

Amendment
of proviso in
to Section 53

“(a) no tax imposed as aforesaid, other than a special sanitary cess or water-rate shall, without the express consent of Government, be leviable in respect of—

(i) any building or part of any building belonging to Government and used solely for public purposes, and not used or intended to be used for residential purposes or for purposes of profit :

(ii) any vehicle, animal or other property belonging to Government and used solely for public purposes and not used or intended to be used for purpose of profit .

(iii) any building or part of a building used as a place of public workshop or used for a charitable purpose ;

(b) (i) no tax of any kind imposed as aforesaid shall be leviable in respect of any building or part of a building used or intended for the occupation of His Highness the Maharaja or His Highness the Yuvaraja or for the location of the establishments of His Highness the Maharaja or His Highness the Yuvaraja, or in respect of any vehicle, animal or other property belonging to His Highness the Maharaja or His Highness the Yuvaraja :

(ii) in respect of all other buildings owned by the Palace and used as rent-free residences, no tax of any kind as aforesaid shall be leviable except a special sanitary cess and excess water rate, if any, which shall be recoverable from the occupants thereof :

(c) no toll shall be leviable for the passage of troops or the conveyance of the property of His Highness the Maharaja or His Highness the Yuvaraja or of Government stores or of any other Government property or for the passage of Military or Police Officers on duty or the passage or conveyance of any person or property in their sub-sections custody.”

13. After sub-section (2) of section 70, the following shall be inserted. —

Farming of
fees.

“(3) It shall be lawful for the Municipal Council to lease the levy of any fee that may be imposed under sub-section (2) by public auction or private contract, provided proper security is taken from the lessee for the due fulfilment of the conditions of the lease.

Power of lessee to expel persons who refuse to pay fees

(4) When any fee has been leased under sub-section (3), any person employed by the lessee to collect such fee or the lessee himself may, subject to the conditions of the lease, collect the fee or expel from the place for the use of which the fee is payable, any person who is liable to pay the fee, but refuses to pay it."

Addition of a new Section 81A.

Farming of tolls.

14. After Section 81, the following section shall be inserted:—

"81A. (1) It shall be lawful for the Municipal Council to lease the levy of any toll that may be imposed under this Regulation by public auction or private contract; provided that the lessee shall give security for the due fulfilment of conditions of the lease.

(2) Where any toll has been leased under this section, any person employed by the lessee to collect such tolls shall, subject to the conditions of the lease, have the powers referred to in sub-sections (1) and (2) of Section 79; provided that no article distrained may be sold except under the orders of the Municipal Council."

Amendment of Section 83

15. (1) After sub-section (2) of Section 83 of the Regulation, the following shall be inserted as sub-section (2a):—

To whom the warrant should be addressed.

"(2a) Where the property is in the area under the control of the Municipal Council the warrant shall be addressed to an Officer of the Municipal Council. Where the property is in another Municipality, or in a place which is not a Municipality, the warrant shall be addressed to the President of the Municipal Council concerned or to the Amildar of the Taluk as the case may be; provided that such President or Amildar may endorse such warrant to a subordinate officer."

(2) In sub-section (3) of the same section, for the words 'any Municipal Officer,' the word, "any officer" shall be substituted.

Addition of a new Section 84A Distraint and sale outside the Municipality.

16. After Section 84, the following section shall be inserted:—

"84A. Where the warrant is addressed outside the Municipality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply *mutatis mutandis*. Such Officer shall, after deducting all costs of recovery incurred by

him, remit the amount recovered under the warrant to the authority by whom it was issued."

17. After Section 113, the following new Section 91A shall be inserted:—

ADDITION OF A
NEW SECTION
91A. The re-
gular line of
public street

"91A. (1) It shall be lawful for any City Municipal Council and such other Municipal Council as may be notified by Government in this behalf, to prescribe a line on either side or both sides of any public street within the Municipality and the Municipal Council may from time to time prescribe a fresh line in substitution of any line so prescribed, or for any part thereof."

Provided that—

(a) at least one month previous to prescribing such line or such fresh line as the case may be, the Municipal Council shall notify the same in the *Mysore Gazette*, and shall give public notice of it and they shall also put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be prescribed and shall further give notice to the owners or occupiers of the lands affected by such alignment;

(b) the Municipal Council shall consider any written objection or suggestion in regard to such proposal delivered at the Office of the Municipal Council within such time as they may specify in such public or special notice; and

(c) the Municipal Council shall prepare a map of the area comprised within the said line and the street concerned and a statement specifying the lands enclosed therein which shall be open for the inspection of the public.

(2) The line for the time being so prescribed shall be called 'the regular line of the public street.'

(3) (a) Except under the provisions of Section 113, no person shall construct, or reconstruct any portion of any building, within the regular line of the public street without the permission of the Municipal Council under Section 96.

(b) Where the Municipal Council refuses permission to construct or reconstruct any building in any area within the regular line of the public street, such area shall thenceforth be vested in the Municipal Council and deemed part of the public street.

(c) Compensation, the amount, of which shall, in case of dispute be ascertained and determined in the manner provided in Section 160 shall be paid by the

Municipal Council to the owner of any land vesting in the Municipal Council under clause (b) of sub-section (3) for the value of the said land and also for any loss, damage, or expense incurred by him in consequence of any action taken or order passed by the Municipal Council under the said clause (b).

(4) Whoever contravenes the provisions of Sub-section (3) shall be punished with fine which may extend to two hundred rupees; and the Municipal Council may—

(a) direct that the building be stopped, and (b) by a written notice require such building or portion thereof to be altered or demolished as they may deem necessary."

Addition of a
new Section:
93A.
Buildings at
corner of
streets

18. After Section 93. the following new Section 93A shall be inserted:—

"93A. (1) The Council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent, or otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired, the Municipal Council shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accruing to the same premises from the improvement of the streets."

Addition of a
new Section:
95A.

Rat-proof
building for
warehouse
for storing
grain.

19. After Section 95 the following new section shall be added:—

"95A. The Municipal Council may require that any building, used or intended to be used as a warehouse for the storage of grain, shall be protected or erected so as to render such building rat-proof and may for this purpose prescribe the plan and the design to be adopted and the materials to be used for such building.

Provided that the provisions of this section shall be enforceable only within such areas as may be notified by the Municipal Council from time to time with the previous approval of Government."

Amendment
of Section 96.

Power of
Municipal
Council to
pass orders

20. For sub-section (2) of Section 96, the following shall be inserted:—

"(2) The Municipal Council may issue such orders not inconsistent with this Regulation as they think proper with reference to the work proposed in such notice, and may either give permission to erect or alter or add to the building according to the plan and information

furnished, or may impose in writing, such conditions as to level, drainage, sanitation or ventilation, or with reference to the location of the building in relation to any existing building or street, existing or projected or prohibiting its use as a factory or, where the Municipal Council have been specially empowered by Government in this behalf, such conditions as to design or materials or to the dimensions or the cubical contents of the rooms, as they think proper."

21. After Section 137, the following new section shall be inserted :—

Addition of
a new Section
137A.

"137A. Within such limits as a City Municipal Council may direct, no person shall keep more than five pigs or more than ten goats without a license from the Municipal Council. The Municipal Council may charge an annual fee not exceeding Rs. 2 for such license and may impose such conditions in respect of such license as they may think necessary. Whoever keeps any pigs or goats contrary to the provisions of this section shall be punishable with fine which may extend to Rs. 25."

Licensing of
goats and
pigs

22. (1) After clause (n) in Section 151, the following additional clause shall be inserted :—

Amendment
of Section
151.

"(nn) for storing grain for trade purposes."

(2) For the word "smells" in clause (o) of the same section, the words "smells, fumes or dust" shall be substituted.

23. After Section 151, the following new section shall be inserted :—

Addition of
a new Section
151A.

"151A. (1) After the passing of this Regulation, in a City Municipality or, in any other Municipality to which by a notification in the *Mysore Gazette* this section is made to apply by the Government, no person shall establish in any premises, any factory, workshop or workplace in which it is intended that steam, water, electrical or other mechanical power shall be employed, without the previous written permission of the Municipal Council.

Factories in
crowded
localities.

(2) The Municipal Council may refuse to give such permission if they be of opinion that the establishment of such factory, workshop or workplace in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be a nuisance to the inhabitants of the neighbourhood or in any other manner contravenes the terms of any bye-laws framed in this behalf.

(3) Whoever establishes in any premises, any factory, workshop or workplace as aforesaid without or after the refusal of such permission, or in contravention of the terms of any bye-laws framed in this behalf, shall be punished with fine which may extend to two hundred rupees."

Addition of a
new Section
151B

Use of siren
or whistle for
summoning
or dismissing
workmen

24. After Section 151A, the following new section shall be inserted:—

"151B. (1) In any City Municipality or, in any other Municipality to which by a notification in the *Mysore Gazette* this section is made applicable by the Government, no person shall use or employ in any factory or any other place, any whistle or trumpet operated by steam, mechanical means or electricity, for the purpose of summoning or dismissing workmen or persons employed except under and in accordance with the conditions of a license from the Municipal Council.

(2) The Municipal Council may grant such license subject to such conditions as they may deem fit and may at any time withdraw such license on giving one month's notice to the licensee:

Provided that where the licensee has contravened any of the conditions of the license, the license may be withdrawn without any such notice.

(3) Whoever uses or employs any such whistle or trumpet as aforesaid without, or in contravention of any of the conditions of, or after the withdrawal of, such license shall be punished with fine which may extend to fifty rupees.

Addition of a
new Section
161A

25. After Section 161 of the Regulation, the following new section shall be added as Section 161A.

"161A. A Municipal Council may—

Power to
compound
offences

(a) compromise with any person who in the opinion of the Municipal Council has committed an offence punishable under this Regulation or any bye-law thereunder and on such compromise no proceedings shall be taken against such person in respect of such offence;

(b) withdraw from prosecutions instituted under this Regulation or under any bye-law made thereunder:

(c) compound any offence against this Regulation or against any bye-law made thereunder which, may by rules made by the Government be declared compoundable:

Provided that Government may make rules to regulate the proceedings of persons empowered to compound offences under this section."

26. After Section 161A of the Regulation, the following new section shall be added:—

Addition of a new Section 161B.

“161B. No distraint shall be made and no prosecution shall be commenced in respect of any sum due to the Municipal Council under this Regulation after the expiration of a period of three years from the date on which such distraint might have been made or prosecution might first have been commenced, as the case may be, in respect of such sum.”

Limitation for distraint etc

27. After Section 173 of the Regulation, the following new section shall be inserted:—

Addition of a new Section 173A

“173A. The Deputy Commissioner shall have power—

Deputy Commissioner's power of inspection of Offices of Town and Minor Municipal Councils.

(1) to inspect the office of any Town or Minor Municipal Council;

(2) to call for records of any Town or Minor Municipal Council and to submit the same with his opinion to Government for such orders as they may deem fit to pass, if he is satisfied that the order or proceeding of the Council or its executive is contrary to law.”

28. In Section 180A of the Regulation, the words “or other Municipal Councils specially exempted” shall be added after the words “City Municipal Council.”

Amendment of Section 180A.

29. In Schedule II, above the words and figures “on every four-wheeled vehicle with springs....Re. 0-8-0” the following words and figures shall be inserted, namely:—

			Rs.	a.	p.
“On every motor bus	...	...	2	0	0
On every motor car	...	...	1	0	0
On every motor cycle	...	...	0	8	0

SCHEDULE III (A).

(SEE SECTION 59, CLAUSE XI.)

Items		Sort					
		1st	2nd	3rd	4th	5th	6th
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Shops	In City Municipalities ...	50	40	30	20	10	5
(for each shop per year)	In other Municipalities .	30	25	20	10	4	2
2. Other places where business or profession is carried on for purposes of profit.	In City Municipalities .	50	40	30	20	10	5
(for each place per year)	In other Municipalities ...	30	25	20	10	4	2

REGULATION V OF 1926.

(Received the assent of His Highness the Maharaja on the twelfth day of July 1926.)

**A Regulation to amend the Mysore Land Revenue Code,
Regulation IV of 1888.**

Whereas it is expedient to further amend the Mysore Land Revenue Code, Regulation IV of 1888, His Highness the Maharaja of Mysore is pleased to enact as follows:—

The following Section shall be inserted as Section 183A after Section 183:—

“ 183. A. (1) Any person owning or claiming any interest in immoveable property sold under this Regulation may, at any time within 30 days from the date of sale, deposit in the Treasury of the taluk in which the immoveable property is situate—(a) a sum equal to 5 per centum of the purchase money and (b) a sum equal to the arrears of revenue for which the immoveable property was sold together with interest thereon and the expenses of attachment, management, and sale and other costs due in respect of such arrears; and may apply to the Deputy Commissioner to set aside the sale. Setting aside sale on deposit of solatium to the purchaser and arrears by person interested.

(2) If such deposit and application are made within 30 days from the date of sale, the Deputy Commissioner shall pass an order setting aside the sale and shall repay to the purchaser the purchase money so far as it has been deposited, together with the 5 per centum deposited by the applicant; provided that if more persons than one have made deposits and applied under this Section, the application of the first depositor to the Officer authorised to set aside the sale shall be accepted.

(3) If a person applies, under Section 184, to set aside the sale of immoveable property, he shall not, unless he withdraws that application, be entitled to make or prosecute an application under this Section. ”

REGULATION VI OF 1926.

*(Received the assent of His Highness the Maharaja on
the twenty-seventh day of July 1926.)*

A Regulation to repeal the Mysore Cotton Duties Regulation of 1896 and to provide for the Regular submission of returns of quantities of cotton goods manufactured and cotton yarn spun in Mysore.

Whereas it is expedient to repeal the Mysore Cotton Duties Regulation, II of 1896, and notwithstanding such repeal, to provide for the regular submission of returns of the quantities of cotton goods manufactured and cotton yarn spun in Mysore : it is hereby enacted as follows :—

1. (1) This Regulation may be called the Cotton Duties Repeal and Cotton Industry (Statistics) Regulation of 1926. Short title
and extent.

(2) It extends to the whole of Mysore and shall come into force on the 25th day of September 1926.

2. The Mysore Cotton Duties Regulation, II of 1896, is hereby repealed. Repeal of
Cotton Duties
Regulation.

3. For the purpose of this Regulation, unless there is anything repugnant in the subject or context,— Definitions

(a) “ cotton goods ” or “ goods ” includes all tissues and other articles (except yarn and thread) woven, knitted or otherwise manufactured wholly or partly from cotton yarn ;

(b) “ cotton yarn ” or “ yarn ” means yarn wholly or partly composed of cotton fibres ;

(c) “ mill ” means any building or place where cotton goods are woven, knitted or otherwise manufactured or where cotton yarn is spun, by machinery moved otherwise than by manual labour, and includes every part of such building or place ;

(d) “ owner ”, in relation to any mill, includes the managing agent or other principal officer of the mill ; and

(e) “ prescribed ” means prescribed by rules made under this Regulation.

Delivery of
monthly re-
turns of goods
and yarn
manufactured
by mill own-
ers.

4. (1) The owner of every mill shall each month prepare and deliver, or cause to be prepared or delivered, to the prescribed officer a return of all cotton goods manufactured and all cotton yarn spun in the mill during the preceding month by machinery moved otherwise than by manual labour, and shall subscribe a declaration of the truth of the return at the foot thereof.

(2) Save as may be otherwise prescribed, every such return shall state, in respect of each description of goods and of yarn, the quantity manufactured during the period to which the return relates, and shall contain such further information, and be in such form and be subject to such conditions as to verification and otherwise, as may be prescribed.

(3) Every such return shall be delivered to the prescribed officer or posted to his address within seven days after the end of the month to which it relates.

Power to in-
spect mills and
take copies of
records.

5. (1) Any officer authorised by the Government by order in writing in this behalf shall have free access at all reasonable times during the working hours to any mill and may at any time with or without notice to the owner, examine and take copies of, or extracts from, the records of the mill for the purpose of testing the accuracy of any return made under Section 4, or of informing himself as to any particulars regarding which information is required for the purposes of this regulation or any rules made thereunder :

Provided that no officer not specially empowered by the Government in this behalf shall be entitled to inspect any record containing the description or formulæ of any trade process.

(2) All copies and extracts and all information acquired by any officer in the inspection of any mill under this section shall be treated as strictly confidential.

Publication
of returns

6. The Government shall from the returns delivered under Section 4, cause to be compiled and published, in such form as they may direct, statements showing for each month the total quantities of goods manufactured and of yarn spun in mills in Mysore State.

Power to
make rules

7. (1) The Government may, by notification in the *Mysore Gazette*, make rules consistent with this Regulation to carry out the purposes thereof.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) The form of any return required under this Regulation, the particulars to be contained therein, and the manner in which the return shall be verified ;
- (b) the nature of the records to be maintained by the owners of mills ;
- (c) the powers and duties, in regard to inspection of mills under this Regulation, of the officers authorised to make such inspection ; and
- (d) any other matter which may be or is to be prescribed.

8. (1) Any person who :—

- (a) knowingly falsifies any record of manufacture or production kept in a mill, or
- (b) being required to deliver a return under Section 4, knowingly delivers a false return, or
- (c) omits to make any return required by Section 4, or refuses to sign or complete the same, or
- (d) knowingly does any act, not otherwise punishable under this Regulation, in contravention of the provisions of any rule made under this Regulation, shall be punishable with fine which may extend to five hundred rupees.

Penalties

(2) Any person who discloses any particulars or other information acquired by him in the inspection of any mill under this Regulation shall be punishable with fine which may extend to one thousand rupees :

Provided that nothing in this sub-section shall apply to the disclosure—

- (a) of any such particulars or information for the purpose of a prosecution under Section 193 of the Indian Penal Code or under this Regulation in respect of any return kept or record made for the purposes of this Regulation, or
- (b) of any such particulars or information to any person acting in the execution of any duty imposed upon him by this Regulation where the disclosure is necessary for the purposes of this Regulation.

9. The Government may, by notification in the *Mysore Gazette*, exempt from the operation of this Regulation or of any specified provision thereof, any mill or

Exemption

class of mills, or any goods or class of goods, specified in the notification.

Protection
for acts done
under this
Regulation

10. No suit or other legal proceeding shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Regulation.

REGULATION VII of 1926.

(Received the assent of His Highness the Maharaja on the sixth day of September 1926.)

A Regulation to amend the Mysore Civil Courts Regulation, 1883.

Whereas it is expedient to further amend the Mysore Civil Courts Regulation, 1883, it is hereby enacted as follows :—

After Section 4 of the Regulation the following new sections shall be inserted, *viz.* :—

“4A. The Government of Mysore may, by notification, fix and from time to time vary the number of Subordinate Judges to be appointed for a Subordinate Judge's Court or the number of Munsiffs to be appointed for a Munsiff's Court.

Fixing number of presiding officers for each Subordinate Judge's and Munsiff's Court.

4B. When more than one Subordinate Judge is appointed to a Subordinate Judge's Court or more than one Munsiff to a Munsiff's Court, one of the Subordinate Judges or the Munsiffs shall be appointed the Principal Subordinate Judge or Principal Munsiff and the others Additional Subordinate Judges or Additional Munsiffs as the case may be.

Additional Subordinate Judges and additional Munsiffs and their Powers

Each of the Judges appointed to a Subordinate Judge's Court or a Munsiff's Court may exercise all or any of the powers conferred on the Court by this Regulation or any other law for the time being in force.

Subject to the general or special orders of the District Judge, the Principal Subordinate Judge or the Principal Munsiff may, from time to time, make such arrangements as he thinks fit for the distribution of the business of the Court among the various Judges thereof.”

REGULATION No. I of 1927.

Received the assent of His Highness the Maharaja on the nineteenth day of January 1927.

A Regulation further to amend the Mysore Land Acquisition Regulation, 1894.

Whereas it is expedient further to amend the Mysore Land Acquisition Regulation, 1894, it is hereby enacted as follows:—

1. (1) This Regulation may be called the Mysore Land Acquisition (Amendment) Regulation, 1927. Short title and Commencement

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. In Sub-Section (1) of Section 4, after the word 'locality' where it first occurs, the words 'is needed or' shall be inserted. Amendment of Section 4

3. After Section 5, the following heading and section shall be inserted, *viz.*:— Insertion of new Section 5A.

Objections.

5A. (1) Any person interested in any land which has been notified under Section 4, sub-section (1), as being needed or likely to be needed for a public purpose or for a company may, within thirty days after the issue of the notification, object to the acquisition of the land or of any land in the locality, as the case may be. Hearing of objections.

(2) Every objection under sub-section (1) shall be made to the Deputy Commissioner in writing, and the Deputy Commissioner shall give the objector an opportunity of being heard either in person or by pleader and shall after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, submit the case for the decision of the Government, together with the record of the proceedings held by him and a report containing his recommendations on the objections. The decision of the Government on the objections shall be final.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation, if the land were acquired under this Regulation."

Amendment
of Section 6

4. In sub-section 1 of Section 6, for the words 'whenever it appears to the Government of Mysore' the following shall be substituted, *viz.* :—

"When the Government is satisfied, after considering the report, if any, made under Section 5A, sub-section (2)."

Amendment
of Section 11.

5. In Section 11, after the words "the value of the land." the words "at the date of publication of the notification under Section 4, sub-section (1)" shall be inserted.

Amendment
of Section 17

6. To Section 17, the following sub-section shall be added, *viz.* :—

"(4) In the case of any land to which in the opinion of the Government, the provisions of sub-section (1) or sub-section (2) are applicable, the Government may direct that the provisions of Section 5A shall not apply, and if it does so direct, a declaration may be made under Section 6, in respect of the land at any time after the publication of the notification under Section 4, sub-section (1)."

Amendment
of Section 18

7. The following shall be added as sub-section (3) of Section 18, namely :—

"(3) On receipt of such application the Deputy Commissioner shall make the reference to the Court."

Amendment
of Section 23

8. In clause *first* of sub-section (1) of Section 23 for the words "declaration relating thereto under Section 6", the words "Notification under Section 4, sub-section (1)" shall be substituted.

Amendment
of Section 24.

9. In clause *seventhly* of Section 24, for the words "declaration under Section 6" the words "Notification under Section 4, sub-section (1)" shall be substituted.

Amendment
of Section 40

10. In sub-section (1) of Section 40, after the word "satisfied", the words "either on the report of the Deputy Commissioner under Section 5A, sub-section (2) or" shall be inserted.

Amendment
of Section 41.

11. In Section 41,—

(a) for the words "such officer..... it", substitute the words "if the Government,"

(b) after the word 'satisfied' the following words shall be inserted, *viz.* :—

"after considering the report, if any, of the Deputy Commissioner, under Section 5A, sub-section 2, or on the report of the officer making an inquiry under Section 40."

REGULATION II OF 1927.

*(Received the assent of His Highness the Maharaja
on the Fourteenth day of March 1927.)*

A Regulation to amend Regulation VI of 1899.

Whereas it is expedient to amend Regulation VI of 1899, it is hereby enacted as follows :—

At the end of sub-section (i) of Section 1 of the Regulation the following words shall be added, namely ;
“ and to regulate the movement of dogs, horses and cattle from any local area which is so infected.”

REGULATION III OF 1927.

*(Received the assent of His Highness the Maharaja
on the fourteenth day of March 1927.)*

**A Regulation to amend the Mysore University Regulation,
V of 1916.**

Whereas it is expedient to further amend the Mysore University Regulation, V of 1916; it is hereby enacted as follows:—

1. The heading of Section 16 of the Regulation shall be altered to "The Constituent and Intermediate Colleges."

2. The following shall be substituted for the existing Section 16:—

"16. There shall be two classes of Colleges in the University, *viz.*, (i) Constituent Colleges, and (ii) Intermediate Colleges.

(i) The Maharaja's College, Mysore and the Central College, Bangalore, and such other Colleges and Institutions in Mysore or in Bangalore as may be transferred to the University to be managed as its constituent parts or established by the University as its constituent parts shall be deemed to be Constituent Colleges.

Constituent
and interme-
diate Col-
leges

(ii) Intermediate Colleges shall be established by the University from 1st July 1928 in Mysore and Bangalore and in such other centres as the University Council may from time to time deem necessary or expedient.

During the transitional period from 1st July 1927 to 30th June 1928, the University Council shall have power to recognise, subject to such conditions as the University Council may deem fit to impose, the existing Entrance Classes in Government Collegiate High Schools and in Collegiate High Schools under private management as Junior Intermediate Classes for the year 1927-28 only.

All properties, movable or immovable, attached to such Constituent and Intermediate Colleges shall vest in the University."

REGULATION IV OF 1927.

*(Received the assent of His Highness the Maharaja
on the fourteenth day of March 1927.)*

**A Regulation further to amend the Mysore Forest
Regulation, 1900.**

Whereas it is expedient further to amend the Mysore Forest Regulation, XI of 1900, it is hereby enacted as follows :—

1. This Regulation may be called the Mysore Forest (Amendment) Regulation, 1927.
2. After Chapter IV of the Mysore Forest Regulation, the following new chapter shall be added, *viz.* :—

“ CHAPTER IV A.

*Control over Forests and Lands not at the disposal of
Government or in which Government has limited interest.*

36C. The owner of any land or, if there be more than one owner thereof the owners of shares therein, whether divided or not, amounting in the aggregate to at least three-fourths thereof, may, with a view to the formation or conservation of forest thereon, represent in writing to the Conservator, their desire,

Protection
forests at
request of
owners

(a) that such land be managed on their behalf by the District Forest Officer as a State Forest, on such terms as may be agreed upon; or

(b) that such land be managed, subject to the control of the Conservator, by a person appointed by themselves and approved by the Conservator; or

(c) that all or any of the provisions of this Regulation or Rules made thereunder be applied to such land.

The Government may in any such case, by a notification in the Official Gazette, apply to such land such provisions of this Regulation as it thinks suitable to the circumstances thereof and as may be desired by the applicant.

Any such notification may be altered or cancelled by a like notification.

Management
of forests, the
joint property
of Govern-
ment and
other persons.

36D. If the Government and any person or persons are jointly interested in any forest or waste land, or in the whole or any part of the produce thereof, the Government may either,

(a) undertake the mangement of such forest, waste land or produce, accounting to such person for his interest in the same ; or

(b) issue such regulations for the management of the forest, waste land or produce by the persons so jointly interested, as it deems necessary for the management thereof, and the interests of all parties therein.

When the Government undertakes under clause (a) of this section, the management of any forest, waste land or produce, it may, by notification in the Official Gazette, declare that any of the provisions contained in Chapters II and IV of this Regulation, shall apply to such forest, waste land or produce and thereupon such provisions shall apply accordingly.

Persons em-
ployed to
carry out the
Regulation to
be deemed
Forest
Officers.

36E. All persons employed under Sections 36C and 36D to carry out the provisions of this Regulation shall be deemed to be Forest Officers within the meaning of this Regulation."

REGULATION V OF 1927.

*(Received the assent of His Highness the Maharaja
on the fourteenth day of March 1927.)*

**A Regulation to amend the Mysore Income Tax
Regulation, 1923.**

Whereas it is expedient to amend the Mysore Income Tax Regulation, 1923, for certain purposes hereinafter appearing; it is hereby enacted as follows:—

1. (1) This Regulation may be called the Mysore Income Tax (Amendment) Regulation, 1927. Short title and commencement. Amendment of Section 2, Regulation V of 1923.
2. In clause (12) of Section 2 of the Mysore Income Tax Regulation, 1923 (hereinafter referred to as the said Regulation) after the words "any other public body or" the words "any" shall be inserted.
3. In Section 3 of the said Regulation for the words "individual, company, firm and Hindu undivided family," the words "individual, Hindu undivided family, company, firm and other association of individuals" shall be substituted. Amendment of Section 3, Regulation V of 1923.
4. In sub-section (2) of Section 4 of the Regulation, for the words "shall be deemed to be profits and gains of the year in which they are received or brought into Mysore," the following words shall be substituted, namely:—
"shall if they are received in or brought into Mysore, be deemed to have accrued or arisen in Mysore and to be profits and gains of the year in which they are received or brought." Amendment of Section 4, Regulation V of 1923.
5. In Section 25 of the said Regulation (a) in sub-section (1) for the words and figures "commenced after the 30th day of June 1923" the words and figures "on which income-tax was not at any time charged under the provisions of the Mysore Income Tax Regulation, 1920" shall be substituted; and (b) in sub-section (3) the words "which was in existence at the commencement of this Regulation and" shall be omitted. Amendment of Section 25, Regulation V of 1923.

Amendment
of Section 55,
Regulation V
of 1923.

6. In Section 55 of the said Regulation, for the words "individual, unregistered firm, Hindu undivided family or company" the words "individual, Hindu undivided family, company, unregistered firm or other association of individuals, not being a registered firm," shall be substituted.

Amendment
of Section 56,
Regulation V
of 1923.

7. In Section 56 of the said Regulation for the words "individual, unregistered firm, Hindu undivided family, or company," the words "individual, Hindu undivided family, company, unregistered firm or other association of individuals" shall be substituted.

8. To Section 56 of the said Regulation the following proviso shall be added, namely:—

Amendment
of Section 56,
Regulation V
of 1923.

"Provided that, in computing the total income of a member of a registered firm, where any change occurs in the constitution of the firm, the profits or gains of the firm during the previous year shall be deemed to have been received in that year by the members of the firm as constituted at the time of the making of the assessment to super-tax in proportion to their shares in the firm at that time."

Amendment
of Section 63,
Regulation V
of 1923

9. To sub-section (2) of Section 63 of the said Regulation, after the words "member of the family" the words "and in the case of any other association of individuals, be addressed to the principal officer thereof" shall be added.

Amendment
of Section 66,
Regulation V
of 1923

10. In sub-section (3) of Section 66 of the said Regulation, after the words "the assessee may apply" the words "within six months from the date on which he is served with notice of the refusal" shall be inserted.

Amendment
of Schedule I,
Regulation V
of 1923

11. (1) In Schedule I-A of the said Regulation for the words "every individual, every unregistered firm and every undivided Hindu family," the words "every individual, every Hindu undivided family, every unregistered firm and every other association of individuals not being a registered firm or a company" shall be substituted.

(2) In Schedule II of the said Regulation for the figure and words "(1) companies, unregistered firms and individuals" the figure and words "(1) every company, every unregistered firm, every individual and every other association of individuals not being a registered firm or company," shall be substituted.

Retrospec-
tive effect.

12. The amendments made in the said Regulation by Sections 3, 6 and 7 shall have effect as if they had been made on the first day of July 1925 and income-tax

and super-tax shall be deemed to have been chargeable for the year commencing on that date and to be chargeable for the year commencing on the first day of July 1926 at the rate or rates applicable for those years to the total income of an individual, in respect of the income, profits and gains and of the total income, respectively, of every association of individuals for which no rate of tax has been otherwise laid down by law.

REGULATION VI OF 1927.

(Received the assent of His Highness the Maharaja on the fourteenth day of March 1927.)

A Regulation further to amend the Code of Criminal Procedure, 1904, and the Court-fees Regulation, 1900.

Whereas it is expedient further to amend the Code of Criminal Procedure, 1904, and the Court-fees Regulation, 1900; it is hereby enacted as follows:—

1. This Regulation may be called the Code of Criminal Procedure Amendment Regulation, 1927. Short title.

2. In clause (r) of sub-section (1) of section 4 of the Code of Criminal Procedure, 1904 (hereinafter referred to as the said Code), after the words "means a pleader," the words "or a mukhtar" shall be inserted, and the words "mukhtar or" shall be omitted.

3. In section 10 of the said Code,—

(i) in sub-section (2), the words "for a period not exceeding six months" shall be omitted, and after the words "under this Code" the words "or under any other law for the time being in force," shall be inserted; and Amendment of section 10, Code of Criminal Procedure, 1904.

(ii) after sub-section (2) the following sub-section shall be added, namely:—

"(3) For the purposes of sections 192, sub-section (1), 407, sub-section (2), and 528, sub-sections (2) and (3), such Additional District Magistrate shall be deemed to be subordinate to the District Magistrate."

4. (1) In section 35 of the said Code,—

(1) in sub-section (1), for the words "When a person is convicted at one trial of two or more distinct offences, the Court may," the following shall be substituted, namely:— Amendment of section 35, Code of Criminal Procedure, 1904.

"When a person is convicted at one trial of two or more offences, the Court may, subject to the provisions of section 71 of the Indian Penal Code as applied to Mysore"; and

(ii) in sub-section (3), for the word "aggregate" the words "the aggregate of consecutive" shall be substituted.

(2) The *Explanation* and *Illustration* to this section are hereby repealed.

Amendment
of section
40, Code of
Criminal
Procedure,
1904

5. In section 40 of the said Code, for the word "transferred" in both places where it occurs, the word "appointed" shall be substituted, and the words, "continue to" shall be omitted, and for the words "to which," the words "in which" shall be substituted.

Amendment
of section
45, Code of
Criminal
Procedure,
1904.

6. In section 45 of the said Code,—

1) in sub-section (1),—

(a) after the word "occupier," where it occurs for the second time, the words "in charge of the management of that land" shall be inserted, and for the word "obtain," the word "possess" shall be substituted;

(b) to clause (d), after the words "suspicious circumstances," the following words shall be added, namely:—

"or the discovery in or near such village of any corpse or part of a corpse, in circumstances which lead to a reasonable suspicion that such a death has occurred or the disappearance from such village of any person in circumstances which lead to a reasonable suspicion that a non-bailable offence has been committed in respect of such person;" and

(c) in clause (e), after the word "namely," the figures "231, 232, 233, 234, 235, 236, 237, 238," shall be inserted, and for the word and figures "and 460" the figures, letters and word "460, 489A, 489B, 489C and 489D" shall be substituted; and

(ii) in sub-section (3), after the words "District Magistrate," the words "or Sub-Divisional Magistrate" shall be inserted; after the word "persons," the words "with his or their consent" shall be inserted; and for the words "to be village headman for the purposes of this section in any village for which there is no such headman appointed under any other law," the following shall be substituted, namely:—

"to perform the duties of a village headman under this section whether a village headman has or has not been appointed for that village under any other law."

Amendment
of section
54, Code of
Criminal
Procedure,
1904.

7. In section 54 of the said Code, in clause *fourthly*, for the word "or" the word "and" shall be substituted, and to the same section the following clause shall be added, namely:—

"*ninthly*, any person for whose arrest a requisition has been received from another police officer provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition."

8. In section 56 of the said Code, after the words "police station," the words "or any police officer making an investigation under Chapter XIV" shall be inserted, and to the same section the following shall be added, namely :—

Amendment of section 56, Code of Criminal Procedure, 1904.

"The officer so required shall, before making the arrest, notify to the person to be arrested the substance of the order and, if so required by such person, shall show him the order."

9. For sub-section (1) of section 59 of the said Code, the following sub-section shall be substituted, namely :—

Amendment of section 59, Code of Criminal Procedure, 1904.

"(1) Any private person may arrest any person who in his view commits a non-bailable and cognizable offence, or any proclaimed offender, and, without unnecessary delay, shall make over any person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken in custody to the nearest police station."

10. (1) In sub-section (6) of section 88 of the said Code, for the words "chapter XXXVI of the Code of Civil Procedure, 1882," substitute "Order XL of the Code of Civil Procedure, 1911."

Amendment of section 88, Code of Criminal Procedure, 1904.

(2) After sub-section (6) of section 88 of the said Code, the following sub-section shall be inserted, namely :—

"(6A) If any claim is preferred to, or objection made to the attachment of, any property attached under this section within six months from the date of such attachment, by any person other than the proclaimed person, on the ground that the claimant or objector has an interest in such property, and that such interest is not liable to attachment under this section, the claim or objection shall be inquired into, and may be allowed or disallowed in whole or in part :

Provided that any claim preferred or objection made within the period allowed by this sub-section may, in the

event of the death of the claimant or objector, be continued by his legal representative.

(6B) Claims or objections under sub-section (6A) may be preferred or made in the Court by which the order of attachment is issued or, if the claim or objection is in respect of property attached under an order endorsed by a District Magistrate in accordance with the provisions of sub-section (2), in the Court of such Magistrate.

(6C) Every such claim or objection shall be inquired into by the Court in which it is preferred or made :

Provided that, if it is preferred or made in the Court of a District Magistrate, such Magistrate may make it over for disposal to any Magistrate of the first or second class as the case may be, subordinate to him.

(6D) Any person whose claim or objection has been disallowed in whole or in part by an order under sub-section (6A) may, within a period of one year from the date of such order, institute a suit to establish the right which he claims in respect of the property in dispute ; but subject to the result of such suit, if any, the order shall be conclusive.

(6E) If the proclaimed person appears within the time specified in the proclamation, the Court shall make an order releasing the property from the attachment."

(2) In sub-section (7) of the same section, after the words "date of the attachment," the words "and until any claim preferred or objection made under sub-section (6A) has been disposed of under that sub-section " shall be inserted.

11. (1) To sub-section (1) of section 103 of the said Code, after the words "witness the search," the following shall be added, namely :—

"and may issue an order in writing to them or any of them so to do."

(2) After sub-section (4) of the same section the following sub-section shall be added, namely :—

"(5) Any person who, without reasonable cause, refuses or neglects to attend and witness a search under this section, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under section 187 of the Indian Penal Code as applied to Mysore."

12. In section 106 of the said Code,—

(i) in sub-section (1), for the word "rioting," the following words shall be substituted, namely: "any offence punishable under Chap. VIII of the Indian Penal Code, other than an offence punishable under section 143, section 149, section 153A or section 154 thereof, or of" and the words "or of assembling armed men or taking other unlawful measures with the evident intention of committing the same," shall be omitted; and

(ii) in sub-section (3), after the words "Appellate Court," the words "including a Court hearing appeals under section 407" shall be inserted.

Amendment
of section
106, Code of
Criminal
Procedure,
1904

13. (1) In sub-section (1) of section 107 of the said Code, after the words "the Magistrate," where they first occur, the words "if in his opinion there is sufficient ground for proceeding" shall be inserted.

Amendment
of section
107, Code of
Criminal
Procedure,
1904

(2) In sub-section (4) of the same section, for the words "this section," the word, figure and brackets "sub-section (3)" shall be substituted, and for the words "until the completion of the inquiry hereinafter prescribed" the words "pending further action by himself under this Chapter" shall be substituted.

14. In section 108 of the said Code, after the words "in writing," the words "or in any other manner intentionally" shall be inserted: after the words "such Magistrate," the words "if in his opinion there is sufficient ground for proceeding" shall be inserted: for the words "or printed or published," the words "and edited, printed and published" shall be substituted; and after the figures "1894," the words "with reference to any matter contained in such publication" shall be inserted.

Amendment
of section
108, Code of
Criminal
Procedure,
1904.

15. In section 110 of the said Code,—

(i) in clause (a), the word "or," where it first occurs, shall be omitted, and after the word "thief," the words "or forger," shall be inserted; and

(ii) for clause (d) the following clause shall be substituted, namely:—

"(d) habitually commits, or attempts to commit, or abets the commission of, the offence of kidnapping, abduction, extortion, cheating or mischief, or any offence punishable under Chapter XII of the Indian Penal Code as applied to Mysore, or under section 489A, section 489B, section 489C or section 489D of that Code, or".

Amendment
of section
110, Code
of Criminal
Procedure,
1904,

Amendment
of section
117, Code of
Criminal
Procedure,
1904

16. In section 117 of the said Code,—

(i) after sub-section (2) the following sub-section shall be inserted, namely :—

“(3) Pending the completion of the inquiry under sub-section (1), the Magistrate, if he considers that immediate measures are necessary for the prevention of a breach of the peace or disturbance of the public tranquility or the commission of any offence or for the public safety, may, for reasons to be recorded in writing direct the person in respect of whom the order under section 112 has been made to execute a bond, with or without sureties, for keeping the peace or maintaining good behaviour until the conclusion of the inquiry, and may detain him in custody until such bond is executed or, in default of execution, until the inquiry is concluded :

Provided that—

- (a) no person against whom proceedings are not being taken under section 108, section 109 or section 110, shall be directed to execute a bond for maintaining good behaviour, and
- (b) the conditions of such bond, whether as to the amount thereof or as to the provision of sureties or the number thereof or the pecuniary extent of their liability, shall not be more onerous than those specified in the order under section 112;”

(ii) sub-section (3) shall be re-numbered (4), and after the words “habitual offender” in the said sub-section, the words “or is so desperate and dangerous as to render his being at large without security hazardous to the community” shall be inserted; and

(iii) sub-section (4) shall be re-numbered (5).

Substitution
of new
section for
section 122,
Code of
Criminal
Procedure,
1904.

17. For section 122 of the said Code the following section shall be substituted, namely :—

Power to
reject
sureties.

“122. (1) A Magistrate may refuse to accept any surety offered, or may reject any surety previously accepted by him or his predecessor under this Chapter on the ground that such surety is an unfit person for the purposes of the bond :

Provided that before so refusing to accept or rejecting any such surety, he shall either himself hold an inquiry on oath into the fitness of the surety, or cause such inquiry to be held and a report to be made thereon by a Magistrate subordinate to him.

(2) Such Magistrate shall, before holding the inquiry, give reasonable notice to the surety and to the person by whom the surety was offered and shall, in making the inquiry, record the substance of the evidence adduced before him.

(3) If the Magistrate is satisfied, after considering the evidence so adduced either before him or before a Magistrate deputed under sub-section (1) and the report of such Magistrate (if any) that the surety is an unfit person for the purposes of the bond, he shall make an order refusing to accept or rejecting, as the case may be such surety and recording his reasons for so doing :

Provided that, before making an order rejecting any surety who has previously been accepted, the Magistrate shall issue his summons or warrant, as he thinks fit, and cause the person for whom the surety is bound to appear or to be brought before him."

18. (1) After sub-section (3) of section 123 of the said Code the following sub-section shall be inserted, namely : —

Amendment
of section
123, Code of
Criminal
Procedure,
1901

"(3A) If security has been required in the course of the same proceedings from two or more persons in respect of any one of whom the proceedings are referred to the Sessions Judge under sub-section (2), such reference shall also include the case of any other of such persons who has been ordered to give security, and the provisions of sub-sections (2) and (3) shall, in that event, apply to the case of such other person also, except that the period (if any) for which he may be imprisoned shall not exceed the period for which he was ordered to give security.

(3B) A Sessions Judge may in his discretion transfer any proceedings laid before him under sub-section (2) or sub-section (3A) to an Additional Session Judge or Assistant Sessions Judge and upon such transfer, such Additional Sessions Judge or Assistant Sessions Judge may exercise the powers of a Sessions Judge under this section in respect of such proceedings."

(2) In sub-section (6) of the same section, for the word "may," the following words shall be substituted, namely :—

"shall, where the proceedings have been taken under section 108 or section 109, be simple and where the proceedings have been taken under section 110."

Amendment
of section
124, Code of
Criminal
Procedure
1904

19. In section 124 of the said Code,—

- (i) in sub-section (1), the words "whether by the order of such Magistrate or that of his predecessor in office, or of some subordinate Magistrate," shall be omitted;
- (ii) for sub-section (3) the following sub-section shall be substituted, namely :—

"(3) An order under sub-section (1) may direct the discharge of such person either without conditions or upon any conditions which such person accepts :

Provided that any condition imposed shall cease to be operative when the period for which such person was ordered to give security has expired;" and

- (iii) after sub-section (3) the following sub-sections shall be inserted, namely :

"(4) The Government may prescribe the conditions upon which a conditional discharge may be made.

(5) If any condition upon which any such person has been discharged is, in the opinion of the District Magistrate by whom the order of discharge was made or of his successor, not fulfilled, he may cancel the same.

(6) When a conditional order of discharge has been cancelled under sub-section (5), such person may be arrested by any police officer without warrant, and shall thereupon be produced before the District Magistrate.

Unless such person then gives security in accordance with the terms of the original order for the unexpired portion of the term for which he was in the first instance committed or ordered to be detained (such portion being deemed to be a period equal to the period between the date of the breach of the conditions of discharge and the date on which, except for such conditional discharge, he would have been entitled to release), the District Magistrate may remand such person to prison to undergo such unexpired portion.

A person remanded to prison under this sub-section shall, subject to the provisions of section 122, be released

at any time on giving security in accordance with the terms of the original order for the unexpired portion aforesaid to the Court or Magistrate by whom such order was made, or to its or his successor."

20. Sub-section (3) of section 126 of the said Code shall be renumbered section 126A, and in that section, as re-numbered, for the words "When such person appears or is brought before the Magistrate, such Magistrate shall cancel the bond" the following shall be substituted, namely:—

Amendment
of section
126 Code of
Criminal
Procedure.
1904

"When a person for whose appearance a warrant or summons has been issued under the proviso to sub-section (3) of section 122 or under section 126, sub-section (2), appears or is brought before him, the Magistrate shall cancel the bond executed by such person."

21. For section 133 of the said Code the following section shall be substituted, namely:—

Substitution
of new
section for
section 133.
Code of
Criminal
Procedure,
1904

"133. (1) Whenever a District Magistrate, a Sub-Divisional Magistrate or a Magistrate of the first class considers, on receiving a police report or other information and on taking such evidence (if any) as he thinks fit,

Conditional
order for
removal of
nuisance

that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be lawfully used by the public, or from any public place, or

that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated, or

that the construction of any building, or the disposal of any substance, as likely to occasion conflagration or explosion, should be prevented or stopped, or

that any building, tent or structure, or any tree is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence the removal, repair or support of such building, tent or structure, or the removal or support of such tree, is necessary, or

that any tank, well or excavation adjacent to any such way or public place should be fenced in such manner as to prevent danger arising to the public, or

that any dangerous animal should be destroyed, confined or otherwise disposed of,

such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, tent, structure, substance, tank, well or excavation, or owning or possessing such animal or tree, within a time to be fixed in the order,

to remove such obstruction or nuisance ; or

to desist from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation ; or

to remove such goods or merchandise, or to regulate the keeping thereof in such manner as may be directed ; or

to prevent or stop the erection of, or to remove, repair or support such building, tent or structure ; or

to remove or support such tree ; or

to alter the disposal of such substance ; or

to fence such tank, well or excavation, as the case may be ; or

to destroy, confine or dispose of such dangerous animal in the manner provided in the said order ; [or, if he objects so to do,]

to appear before himself or some other Magistrate of the first or second class, at a time and place to be fixed by the order, and move to have the order set aside or modified in the manner hereinafter provided.

(2) No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

Explanation.— A ' public place ' includes also property belonging to the State, camping grounds and grounds left unoccupied for sanitary or recreative purposes."

Amendment
of section
185, Code of
Criminal
Procedure,
1904.

22. In section 135 of the said Code, in clause (a), after the words " within the time," the words " and in the manner " shall be inserted.

Insertion of
new section
189A in the
Code of
Criminal
Procedure,
1904.

23. After section 139 of the said Code, the following section shall be inserted, namely .—

" 139A. (1) Where an order is made under section 133 for the purpose of preventing obstruction, nuisance or danger to the public in the use of any way, river, channel or place, the Magistrate shall, on the appearance before him of the person against whom the order was made, question him as to whether he denies the existence of any public right in respect of the way, river, channel or place, and if he does so, the Magistrate shall, before proceeding under section 137 or section 138, inquire into the matter.

Procedure
while exist-
ence of
public right
is denied

(2) If in such inquiry the Magistrate finds that there is any reliable evidence in support of such denial, he shall stay the proceedings until the matter of the existence of such right has been decided by a competent Civil Court ; and if he finds that there is no such evidence, he shall proceed as laid down in section 137 or section 138, as the case may require.

(3) A person who has, on being questioned by the Magistrate under sub-section (1), failed to deny the existence of a public right of the nature therein referred to, or who, having made such denial, has failed to adduce reliable evidence in support thereof, shall not in the subsequent proceedings be permitted to make any such denial, nor shall any question in respect of the existence of any such public right be inquired into by any jury appointed under section 138."

24. In section 144 of the said Code,—

Amendment
of section
144, Code of
Criminal
Procedure,
1904.

(i) in sub-section (1), after the words "or of any other Magistrate" the words and brackets "(not being a Magistrate of the third class)" shall be inserted, and after the words "under this section" the words "there is sufficient ground for proceeding under this section and" shall be inserted ;

(ii) in sub-section (4), after the words "may" the words "either on his own motion or on the application of any person aggrieved" shall be inserted ; and

(iii) sub-section (5) shall be re-numbered as sub-section (6), and the following shall be inserted as sub-section (5), namely :—

"(5) Where such an application is received, the Magistrate shall afford to the applicant an early opportunity of appearing before him either in person or by pleader and showing cause against the order ; and, if the Magistrate rejects the application wholly or in part, he shall record in writing his reasons for so doing."

Amendment
of section
145, Code of
Criminal
Procedure,
1904.

25. In section 145 of the said Code,—

(i) in sub-section (4), for the words “ receive the evidence ” the words “ receive all such evidence as may be ” shall be substituted ;

(ii) in sub-section (6), after the words “ was ” the words “ or should under the first proviso to sub-section (4) be treated as being ” shall be inserted, and the following shall be added after the words “ such eviction,” namely:—

“ and when he proceeds under the first proviso to sub-section (4), may restore to possession the party forcibly and wrongfully dispossessed.”

(iii) for sub-section (7) the following sub-section shall be substituted, namely :—

“(7) When any party to any such proceeding dies, the Magistrate may cause the legal representative of the deceased party to be made a party to the proceeding, and shall thereupon continue the inquiry, and if any question arises as to who the legal representative of a deceased party for the purpose of such proceeding is, all persons claiming to be representatives of the deceased party shall be made parties thereto”; and

(iv) after sub-section (7) the following sub-sections shall be added, namely :—

“(8) If the Magistrate is of opinion that any crop or other produce of the property, the subject of dispute in a proceeding under this section pending before him, is subject to speedy and natural decay, he may make an order for the proper custody or sale of such property, and, upon the completion of the inquiry, shall make such order for the disposal of such property, or the sale proceeds thereof, as he thinks fit.

(9) The Magistrate may, if he thinks fit, at any stage of the proceedings under this section, on the application of either party, issue a summons to any witness directing him to attend or to produce any document or thing.

(10) Nothing in this section shall be deemed to be in derogation of the powers of the Magistrate to proceed under section 107.”

Amendment
of section
146, Code of
Criminal
Procedure,
1904.

26. (1) To sub-section (1) of section 146 of the said Code the following proviso shall be added, namely :—

“ Provided that the District Magistrate or the Magistrate who has attached the subject of dispute may withdraw the attachment at any time if he is satisfied

that there is no longer any likelihood of a breach of the peace in regard to the subject of dispute."

(2) In sub-section (2) of the same section, after the words "thinks fit" the words "and if no receiver of the property, the subject of dispute, has been appointed by any Civil Court" shall be inserted, and to the same sub-section the following proviso shall be added, namely :—

"Provided that, in the event of a receiver of the property, the subject of dispute, being subsequently appointed by any Civil Court, possession shall be made over to him by the receiver appointed by the Magistrate, who shall thereupon be discharged."

27. For section 147 of the said Code the following sections shall be substituted, namely :—

Substitution
of new
section
for section
147, Code of
Criminal
Procedure,
1904.

"147. (1) Whenever any District Magistrate, Sub-Divisional Magistrate or Magistrate of the first class is satisfied, from a police report or other information, that a dispute likely to cause a breach of the peace exists regarding any alleged right of user of any land or water as explained in section 145, sub-section (2) (whether such right be claimed as an easement or otherwise), within the local limits of his jurisdiction, he may make an order in writing stating the grounds of his being so satisfied and requiring the parties concerned in such dispute to attend the Court in person or by pleader within a time to be fixed by such Magistrate and to put in written statements of their respective claims and shall thereafter inquire into the matter in the manner provided in section 145, and the provisions of that section shall, as far as may be, be applicable in the case of such inquiry.

Disputes
concerning
rights of use
of immovable
property, etc.

(2) If it appears to such Magistrate that such right exists, he may make an order prohibiting any interference with the exercise of such right :

Provided that no such order shall be made where the right is exercisable at all times of the year, unless such right has been exercised within three months next before the institution of the inquiry, or where the right is exercisable only at particular seasons or on particular occasions, unless the right has been exercised during the last of such seasons or on the last of such occasions before such institution.

(3) If it appears to such Magistrate that such right does not exist, he may make an order prohibiting any exercise of the alleged right.

(4) An order under this section shall be subject to any subsequent decision of a Civil Court of competent jurisdiction."

Amendment
of section
148, Code of
Criminal
Procedure,
1904.

28. In sub-section (3) of Section 148 of the said Code, the words "for witness, or pleaders' fees, or both," shall be omitted, and for the words "All costs so directed to be paid may be recovered as if they were fines" the words "Such costs may include any expenses incurred in respect of witnesses, and of pleaders' fees which the Court may consider reasonable" shall be substituted.

Amendment
of section
157, Code of
Criminal
Procedure,
1904.

29. In section 157 of the said Code,—

(i) in sub-section (1), after the words "one of his subordinate officers" the words "not being below such rank as the Government may, by general or special orders, prescribe in this behalf" shall be inserted, and for the words "and to take such measures as may be necessary," the words "and, if necessary, to take measures" shall be substituted; and

(ii) to sub-section (2), after the words "that sub-section" the words "and, in the case mentioned in clause (b), such officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the Government, the fact that he will not investigate the case or cause it to be investigated" shall be added.

Amendment
of section
161, Code of
Criminal
Procedure,
1904.

30. In sub-section (1) of section 161 of the said Code, after the word "Chapter" the words "or any police officer not below such rank as the Government may, by general or special order, prescribe in this behalf, acting on the requisition of such officer" shall be inserted.

Amendment
of section
162, Code of
Criminal
Procedure,
1904.

31. For sub-section (1) of section 162 of the said Code, the following sub-section shall be substituted, namely:—

Statements
to police not
to be signed,
use of such
statements
in evidence.

(1) No statement made by any person to a police officer in the course of an investigation under this Chapter shall, if reduced into writing, be signed by the person making it; nor shall any such statement or any record thereof, whether in a police diary or otherwise, or any part of such statement or record, be used for any purpose (save as hereinafter provided) at any inquiry or trial in

respect of any offence under investigation at the time when such statement was made:—

Provided that, when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, the Court shall, on the request of the accused, refer to such writing and direct that the accused be furnished with a copy thereof, in order that any part of such statement, if duly proved, may be used to contradict such witness in the manner provided by section 145 of the Indian Evidence Act, 1872. When any part of such statement is so used, any part thereof may also be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross-examination:

Provided, further, that, if the Court is of opinion that any part of any such statement is not relevant to the subject-matter of the inquiry or trial or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interests, it shall record such opinion (but not the reasons therefor) and shall exclude such part from the copy of the statement furnished to the accused."

32. In section 164 of the said Code,—

Amendment
of section
164, Code of
Criminal
Procedure.
1904

(i) in sub-section (1), for the words "Any Magistrate may" the words "Any Magistrate of the first class and any Magistrate of the second class specially empowered in this behalf by the Government may" shall be substituted; and

(ii) in sub-section (3),—

(a) for the words "No Magistrate" the following words shall be substituted, namely:—

"A Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that, if he does so, it may be used as evidence against him and no Magistrate;" and

(b) for the words "I believe" the following words shall be substituted, namely:—

"I have explained to (name) that he is not bound to make a confession and that, if he does so, any confession he may make may be used as evidence against him and I believe."

Amendment
of section
165, Code of
Criminal
Procedure,
1904.

33. In section 165 of the said Code,—

(i) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

“(1) Whenever an officer in charge of a police station or a police officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorised to investigate may be found in any place within the limits of the police station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible the thing for which search is to be made, search, or cause search to be made, for such thing in any place within the limits of such station.

(2) A police officer proceeding under sub-section (1) shall, if practicable, conduct the search in person;”

(ii) in sub-section (3), after the words “he may” the words “after recording in writing his reasons for so doing” shall be inserted, and for the words “specifying the document or thing for which search is to be made and the place to be searched” the words “specifying the place to be searched and, so far as possible, the thing for which search is to be made” shall be substituted;

(iii) in sub-section (4), after the words “search warrants” the words “and the general provisions as to searches contained in section 102 and section 103” shall be inserted; and

(iv) after sub-section (4), the following sub-section shall be added, namely:—

“(5) Copies of any record made under sub-section (1) or sub-section (3) shall forthwith be sent to the nearest Magistrate empowered to take cognizance of the offence and the owner or occupier of the place searched shall on application be furnished with a copy of the same by the Magistrate:

Provided that he shall pay for the same unless the Magistrate for some special reasons thinks fit to furnish it free of cost.”

34. (1) In sub-section (1) of section 166 of the said Code, after the words “An officer in charge of a police station” the words “or a police officer not being below the rank of Sub-Inspector making an investigation” shall be inserted.

Amendment
of section
166, Code of
Criminal
Procedure,
1904.

(2) After sub-section (2) of the same section the following sub-sections shall be added, namely:—

"(3) Whenever there is reason to believe that the delay occasioned by requiring an officer in charge of another police station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer in charge of a police station or a police officer making an investigation under this Chapter to search, or cause to be searched, any place in the limits of another police station in accordance with the provisions of section 165, as if such place were within the limits of his own station.

(4) Any officer conducting a search under sub-section (3) shall forthwith send notice of the search to the officer in charge of the police station within the limits of which such place is situate, and shall also send with such notice a copy of the list (if any) prepared under section 103, and shall also send to the nearest Magistrate empowered to take cognizance of the offence, copies of the records referred to in section 165, sub-sections (1) and (3).

(5) The owner or occupier of the place searched shall, on application, be furnished with a copy of any record sent to the Magistrate under sub-section (4)

Provided that he shall pay for the same unless the Magistrate for some special reason thinks fit to furnish it free of cost."

35. In section 167 of the said Code,—

(i) in sub-section (1),—

(a) for the words "it appears that any" the words "any person is arrested and detained in custody, and it appears that the" shall be substituted, and the words "under this Chapter" shall be omitted;

(b) after the words "officer in charge of the police station" the words "or the police officer making the investigation if he is not below the rank of Sub-Inspector" shall be inserted; and

(c) the words and brackets "(if any)" shall be omitted; and

(ii) to sub-section (2), after the words "such jurisdiction," the following proviso shall be added, namely:—

"Provided that no Magistrate of the third class, and no Magistrate of the second class not specially

Amendment
of section
167, Code of
Criminal
Procedure,
1904.

empowered in this behalf by the Government shall authorise detention in the custody of the police.'

Amendment
of section
169, Code of
Criminal
Procedure,
1904

36. In section 169 of the said Code, after the words "officer in charge of the police station" the words "or to the police officer making the investigation" shall be inserted.

Amendment
of section
173, Code of
Criminal
Procedure,
1904

37. (1) For sub-section (1) of section 173 of the said Code, the following sub-section shall be substituted, namely:—

"1. Every investigation under this chapter shall be completed without unnecessary delay, and as soon as it is completed, the officer in charge of the police station shall—

(a) forward to a Magistrate empowered to take cognizance of the offence on a police report, a report in the form prescribed by the Government, setting forth the names of the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused (if arrested) has been forwarded in custody, or has been released on his bond, and, if so, whether with or without sureties, and

(b) communicate, in such manner as may be prescribed by the Government, the action taken by him, to the person, if any, by whom the information relating to the commission of the offence was first given."

(2) After sub-section (3) of the same section the following sub-section shall be inserted, namely:—

"(4) A copy of any report forwarded under this section shall, on application, be furnished to the accused before the commencement of the inquiry or trial:

Provided that the same shall be paid for unless the Magistrate for some special reason thinks fit to furnish it free of cost."

Amendment
of section
174, Code of
Criminal
Procedure,
1904.

38. In sub-section (5) of section 174 of the said Code, for the words "or Sub-Divisional Magistrate," the words "Sub-Divisional Magistrate or Magistrate of the first class," shall be substituted.

Amendment
of section
181, Code of
Criminal
Procedure,
1904.

39. For sub-section (3) of section 181 of the said Code the following sub-section shall be substituted, namely:—

(3) "The offence of theft, or any offence which includes theft or the possession of stolen property, may be inquired into or tried by a Court within the local limits of whose jurisdiction such offence was committed or the property stolen was possessed by the thief or by any person who received or retained the same knowing or having reason to believe it to be stolen."

Theft

40. For clause (b) of sub-section (1) of section 190 of the said Code, the following clause shall be substituted, namely:—

Amendment of section 190, Code of Criminal Procedure, 1904.

"(b) upon a report in writing of such facts made by any police officer,"

41. In sub-section (2) of section 193 of the said Code, the words "in the case of Assistant Sessions Judges" shall be omitted.

Amendment of section 193, Code of Criminal Procedure, 1904.

42. (1) For sub-section (1) of section 195 of the said Code the following sub-section shall be substituted, namely:—

Amendment of section 195, Code of Criminal Procedure, 1904.

"No Court shall take cognizance—

(a) of any offence punishable under sections 172 to 188 of the Indian Penal Code, except on the complaint in writing of the public servant concerned, or of some other public servant to whom he is subordinate;

Prosecution for contempt of lawful authority of public servants

(b) of any offence punishable under any of the following sections of the same Code, namely, sections 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211, and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, except on the complaint in writing of such Court or of some other Court to which such Court is subordinate; or

Prosecution for certain offences against public justice.

(c) of any offence described in section 468 or punishable under section 471, section 475 or section 476 of the same Code, when such offence is alleged to have been committed by a party to any proceeding in any Court in respect of a document produced or given in evidence in such proceeding, except on the complaint in writing of such Court, or some other Court to which such Court is subordinate."

Prosecution for certain offences relating to documents given in evidence

(2) In sub-section (2) of the same section, for the word "means" the word "includes" shall be substituted.

(3) Sub-sections (4), (5) and (6) of the same section shall be omitted.

(4) Sub-sections (7) and (3) of the same section shall be re-numbered (3) and (4), respectively, and for sub-section (3), as re-numbered, the following sub-section shall be substituted, namely :—

(3) “For the purpose of this section, a Court shall be deemed to be subordinate to the Court to which appeals ordinarily lie from the appealable decrees or sentences of such former Court, or in the case of a Civil Court from whose decrees no appeal ordinarily lies to the principal Court having ordinary original civil jurisdiction within the local limits of whose jurisdiction such Civil Court is situate:

Provided that—

(a) where appeals lie to more than one Court, the Appellate Court of inferior jurisdiction shall be the Court to which such Court shall be deemed to be subordinate ; and

(b) where appeals lie to a Civil and also to a Revenue Court, such court shall be deemed to be subordinate to the Civil or Revenue Court according to the nature of the case or proceeding in connection with which the offence is alleged to have been committed.”

(5) After sub-section (4) of the same section, as re-numbered, the following sub-section shall be inserted, namely :—

“ (5) Where a complaint has been made under sub-section (1), clause (a), by a public servant any authority to which such public servant is subordinate may order the withdrawal of the complaint and, if it does so, it shall forward a copy of such order to the Court and, upon receipt thereof by the Court, no further proceedings shall be taken on the complaint.”

Insertion of
new section
196 A in the
Code of
Criminal
Procedure,
1901.

43. After section 196 of the said Code the following section shall be inserted, namely :—

Preliminary
inquiry in
certain cases,

“196A. In the case of any offence in respect of which the provisions of section 196 apply, a District Magistrate may, notwithstanding anything contained in that section or in any other part of this Code, order a preliminary investigation by a police-officer not being below the rank of Inspector, in which case such police officer shall have the powers referred to in section 155, sub-section (3),”

44. In section 197 of the said Code,—

(i) for sub-section (1) the following sub-section shall be substituted, namely:—

“(1) When any person who is a Judge within the meaning of section 19 of the Indian Penal Code, or when any Magistrate, or when any public servant who is not removable from his office save by or with the sanction of the Government, is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the previous sanction of the Government;” and

(ii) in sub-section (2), after the word “Judge” the word “Magistrate” shall be inserted.

45. To section 198 of the said Code, the following proviso shall be added, namely:—

“Provided that, where the person so aggrieved is a woman who according to the customs and manners of the country, ought not to be compelled to appear in public, or where such person is under the age of eighteen years or is an idiot or lunatic or is from sickness or infirmity unable to make a complaint, some other person may, with the leave of the Court, make a complaint on his or her behalf.”

46. In section 199 of the said Code, after the word “absence” the words “made with the leave of the Court” shall be inserted, and to the same section, the following proviso shall be added, namely:—

“Provided that where such husband is under the age of eighteen years, or is an idiot or lunatic, or is from sickness or infirmity unable to make a complaint, some other person may, with the leave of the Court, make a complaint on his behalf.”

47. In Chapter XV of the said Code, after section 199, the following section shall be inserted, namely:—

“199A. When in any case falling under section 198 or section 199, the person on whose behalf the complaint is sought to be made is under the age of eighteen years or is a lunatic, and the person applying for leave has not been appointed or declared by competent authority to be the guardian of the person of the said minor or lunatic, and the court is satisfied that there is a guardian so appointed or declared, notice shall be given to

Amendment of section 197, Code of Criminal Procedure, 1904.

Amendment of section 198, Code of Criminal Procedure, 1904.

Amendment of section 199, Code of Criminal Procedure, 1904.

Insertion of new section 199A in the Code of Criminal Procedure, 1904.

Objection by lawful guardian to complaint by person other than person aggrieved.

such guardian and the Court shall, before granting the application, give him a reasonable opportunity of objecting to the granting thereof."

Amendment
of section
200, Code of
Criminal
Procedure,
1901.

48. In section 200 of the said Code, the words and figures "Subject to the provisions of section 476" shall be omitted, and after proviso (a) the following proviso shall be inserted, namely:—

"(aa) when the complaint is made in writing, nothing herein contained shall be deemed to require the examination of a complainant in any case in which the complaint has been made by a Court or by a public servant acting or purporting to act in the discharge of his official duties."

Amendment
of section
202, Code of
Criminal
Procedure,
1901.

49. In section 202 of the said Code,—

(i) for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:—

Postpone-
ment for
issue of
process.

(1) Any Magistrate on receipt of a complaint of an offence of which he is authorised to take cognizance or which has been transferred to him under section 192, may, if he thinks fit for reasons to be recorded in writing, postpone the issue of process for compelling the attendance of the person complained against, and either inquire into the case himself or, if he is a Magistrate other than a Magistrate of the third class, direct an inquiry or investigation to be made by any Magistrate subordinate to him, or by a police officer, or by such other person as he thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint:

Provided that no such direction shall be made—

(a) unless the complainant has been examined on oath under the provisions of section 200, or

(b) where the complaint has been made by a Court under the provisions of this Code.

(2) If any inquiry or investigation under this section is made by a person not being a Magistrate or a police-officer, such person shall exercise all the powers conferred by this Code on an officer in charge of a police station, except that he shall not have power to arrest without warrant;" and

(ii) after sub-section (2) the following sub-section shall be added, namely:—

"(2a) Any Magistrate inquiring into a case under this section may, if he thinks fit, take evidence of witnesses on oath."

50. In section 203 of the said Code, for the words "after examining the complainant and considering the result of the investigation (if any) made under section 202" the words "after considering the statement on oath (if any) of the complainant and the result of any investigation or inquiry under section 202" shall be substituted.

Amendment
of section
203, Code of
Criminal
Procedure,
1904.

51. In section 203 of the said Code, after the words "or any Magistrate" the words and brackets "(not being a Magistrate of the third class)" shall be inserted.

Amendment
of section
206, Code of
Criminal
Procedure,
1904.

52. In sub-section (2) of section 210 of the said Code, for the words "the charge" the words "such charge" shall be substituted.

Amendment
of section
210, Code of
Criminal
Procedure,
1904.

53. In section 215 of the said Code, the words and figures "or by a Court of Session under section 477" shall be omitted.

Amendment
of section
215, Code of
Criminal
Procedure,
1904.

54. (1) In sub-section (1) of section 219 of the said Code, for the words "The Magistrate" the words "The Committing Magistrate or, in the absence of such Magistrate (any other Magistrate) empowered by or under section 206" shall be substituted.

Amendment
of section
219, Code of
Criminal
Procedure,
1904.

(2) In sub-section (2) of the same section, for the words "if the accused so require, be given to him free of cost" the words "be given to the accused free of cost" shall be substituted.

55. In sub-section (7) of section 221 of the said Code,—

Amendment
of section
221, Code of
Criminal
Procedure,
1904.

(i) for the words "has been previously convicted of any offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court is competent to award," the following shall be substituted, namely:—

"having been previously convicted of any offence, is liable, by reason of such previous conviction, to enhanced punishment, or to punishment of a different kind, for a subsequent offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court may think fit to award for the subsequent offence" and

(ii) for the words "is omitted" the words "has been omitted" shall be substituted.

Amendment
of section
234, Code of
Criminal
Procedure,
1904.

56. In section 234 of the said Code,—

(i) in sub-section (1), after the words “such offences” the words “whether in respect of the same person or not” shall be inserted; and

(ii) to sub-section (2) the following proviso shall be added, namely:—

“Provided that, for the purpose of this section, an offence punishable under section 379 of the Indian Penal Code shall be deemed to be an offence of the same kind as an offence punishable under section 380 of the said Code, and that an offence punishable under any section of the Indian Penal Code, or of any special or local law, shall be deemed to be an offence of the same kind as an attempt to commit such offence, when such an attempt is an offence.”

Amendment
of section
237, Code of
Criminal
Procedure,
1904.

57. Sub-section (2) of section 237 of the said Code shall be omitted.

Amendment
of section
238, Code of
Criminal
Procedure,
1904.

58. After sub-section (2) of section 238 of the said Code, the following sub-section shall be inserted, namely:—

“(2A) When a person is charged with an offence, he may be convicted of an attempt to commit such offence although the attempt is not separately charged.”

Substitution
of new sec-
tion for sec-
tion 239,
Code of Cri-
minal Pro-
cedure, 1904.

59. For section 239 of the said Code, the following section shall be substituted, namely:—

What person
may be
charged
jointly.

“239. The following persons may be charged and tried together, namely:—

(a) persons accused of the same offence committed in the course of the same transaction;

(b) persons accused of an offence and persons accused of abetment, or of an attempt to commit such offence;

(c) persons accused of more than one offence of the same kind within the meaning of section 234 committed by them jointly within the period of twelve months;

(d) persons accused of different offences committed in the course of the same transaction;

(e) persons accused of an offence which includes theft, extortion or criminal misappropriation, and persons accused of receiving or retaining, or assisting in the dis-

possession or concealment of property, possession of which is alleged to have been transferred by any such offence committed by the first named persons, or of abetment of or attempting to commit any such last named offence :

(f) persons accused of offences under sections 411 and 414 of the Indian Penal Code or either of those sections in respect of stolen property the possession of which has been transferred by one offence ; and

(g) persons accused of any offence under Chapter XII of the Indian Penal Code relating to counterfeit coin, and persons accused of any other offence under the said Chapter relating to the same coin, or of abetment of or attempting to commit any such offence ; and the provisions contained in the former part of this Chapter shall, so far as may be, apply to all such charges."

60. In section 243 of the said Code, for the words "shall convict" the words "may convict" shall be substituted.

Amendment of section 243, Code of Criminal Procedure, 1904.

61. In section 244 of the said Code—

(i) in sub-section (1), before the words "If the accused" the words "If the Magistrate does not convict the accused under the preceding section or" shall be inserted, and to the same sub-section the following proviso shall be added, namely :—

Amendment of section 244, Code of Criminal Procedure, 1904.

"Provided that the Magistrate shall not be bound to hear any person as complainant in any case in which the complaint has been made by a court;" and

(ii) in sub-section (2), for the words "process to compel the attendance of any witness or the production of" the words "a summons to any witness directing him to attend or to produce" shall be substituted.

62. For sub-section (2) of section 245 of the said Code, the following shall be substituted, namely :—

Amendment of section 245, Code of Criminal Procedure, 1904.

"(2) Where the Magistrate does not proceed in accordance with the provisions of section 349 or section 562 he shall, if he finds the accused guilty, pass sentence upon him according to law."

63. In section 250 of the said Code,—

Amendment of section 250, Code of Criminal Procedure, 1904.

False, frivolous or vexatious accusations

(i) for sub-sections (1) and (2) the following sub-sections shall be substituted, namely:—

“(1) If, in any case instituted upon complaint or upon information given to a police officer or to a Magistrate, one or more persons is or are accused before a Magistrate of any offence triable by a Magistrate, and the Magistrate by whom the case is heard discharges or acquits all or any of the accused, and is of opinion that the accusation against them or any of them was false and either frivolous or vexatious, the Magistrate may, by his order of discharge or acquittal, if the person upon whose complaint or information the accusation was made is present, call upon him forthwith to show cause why he should not pay compensation to such accused or to each or any of such accused when there are more than one, or, if such person is not present, direct the issue of a summons to him to appear and show cause as aforesaid.

(2) The Magistrate shall record and consider any cause which such complainant or informant may show, and if he is satisfied that the accusation was false and either frivolous or vexatious may, for reasons to be recorded, direct that compensation to such amount not exceeding one hundred rupees or, if the Magistrate is a Magistrate of the third class, not exceeding fifty rupees, as he may determine, be paid by such complainant or informant to the accused or to each or any of them.

(2A) The Magistrate may, by the order directing payment of the compensation under sub-section (2), further order that, in default of payment, the person ordered to pay such compensation shall suffer simple imprisonment for a period not exceeding thirty days,

(2B) When any person is imprisoned under sub-section (2A), the provisions of sections 68 and 69 of the Indian Penal Code shall, so far as may be, apply.

(2C) No person who has been directed to pay compensation under this section shall, by reason of such order, be exempted from any civil or criminal liability in respect of the complaint made or information given by him;

Provided that any amount paid to an accused person under this section shall be taken into account in awarding compensation to such person in any subsequent civil suit relating to the same matter;”

(ii) in sub-section (3), for the word and figure “sub-section (1)” the word and figure “sub-section (2)”

shall be substituted, and for the words "to an accused person" the following shall be substituted, namely:—

"or has been so ordered by any other Magistrate to pay compensation exceeding fifty rupees ;"

(iii) to sub-section (4) after the words "appeal has been decided" the following shall be added, namely:—

"and, where such order is made in a case which is not so subject to appeal, the compensation shall not be paid before the expiration of one month from the date of the order ;"

and

(iv) sub-section (5) shall be omitted.

64. To sub-section (1) of section 252 of the said Code the following proviso shall be added, namely:—

"Provided that the Magistrate shall not be bound to hear any person as complainant in any case in which the complaint has been made by a Court."

Amendment of section 252, Code of Criminal Procedure, 1904.

65. After section 255 of the said Code the following section shall be inserted, namely:—

Insertion of new section 255A in the Code of Criminal Procedure, 1904.

"255A. In a case where a previous conviction is charged under the provisions of section 221, sub-section (7), and the accused does not admit that he has been previously convicted as alleged in the charge, the Magistrate may after he has convicted the said accused under section 255, sub-section (2), or section 258 take evidence in respect of the alleged previous conviction, and shall record a finding thereon."

Procedure in case of previous convictions.

66. In sub-section (1) of section 256 of the said Code, after the words "to state" the words "at the commencement of the next hearing of the case or, if the Magistrate for reasons to be recorded in writing so thinks fit, forthwith" shall be inserted.

Amendment of section 256, Code of Criminal Procedure, 1904.

67. For sub-section (2) of section 258 of the said Code, the following sub-section shall be substituted, namely:—

Amendment of section 258, Code of Criminal Procedure, 1904.

"(2) Where in any case under this Chapter the Magistrate does not proceed in accordance with the provisions of section 349 or section 562, he shall, if he finds the accused guilty, pass sentence upon him according to law."

Amendment
of section
259, Code of
Criminal
Procedure,
1904.

68. In section 259 of the said Code, after the words "and the offence may be lawfully compounded" the words "or is not a cognizable offence" shall be inserted.

Amendment
of section
261, Code of
Criminal
Procedure,
1904

69. In section 261 of the said Code,—
(i) in clause (a), for "and 447," substitute "447 and 504"; and

(ii) to clause (b), after the words "one month" the words "with or without fine" shall be added.

Amendment
of section
288, Code of
Criminal
Procedure,
1904.

70. In section 288 of the said Code,—
(i) for the words "duly taken in the presence of the accused before the Committing Magistrate" words "duly recorded in the presence of the accused under Chapter XVIII" shall be substituted; and

(ii) after the words "as evidence in the case," the words "for all purposes subject to the provisions of the Indian Evidence Act, 1872" shall be added.

Substitution
of new section
for section
392, Code of
Criminal
Procedure,
1904.

71. For section 292 of the said Code, the following section shall be substituted, namely :—

Prosecutor's
right of reply.

"292. The prosecutor shall be entitled to reply—
(a) if the accused or any of the accused adduces any oral evidence; or

(b) with the permission of the Court, on a point of law; or

(c) with the permission of the Court, when any document which does not need to be proved is produced by any accused person after he enters on his defence :

Provided that, in the case referred to in clause (c), the reply shall, unless the Court otherwise permits, be restricted to comment on the document so produced."

Amendment
of section
306, Code of
Criminal
Procedure,
1904.

72. In sub-section (2) of section 306 of the said Code, after the word "shall" where it occurs for the second time, the words "unless he proceeds in accordance with the provisions of section 562" shall be inserted.

Amendment
of section
307, Code of
Criminal
Procedure,
1904

73. In 307 of the said Code,—

(1) in sub-section (1)—

(i) for the words "the accused" the words "any accused person" shall be substituted;

(ii) after the words "to submit the case" the words "in respect of such accused person" shall be inserted; and

(iii) after the words "considers to have been committed," the following shall be added, namely :—

"and in such case, if the accused is further charged under the provisions of section 310, shall proceed to try him on such charge as if such verdict had been one of conviction" and

(2) in sub-sections (2) and (3), for the words "the accused" wherever they occur, the words "such" accused shall be substituted.

74. In section 309 of the said Code,—

(i) in sub-section (1), after the word "orally" the following shall be inserted, namely :—

"on all the charges on which the accused has been tried, and after the words "such opinion" the following shall be inserted, namely :—

"and for that purpose may ask the assessors such questions as are necessary to ascertain what their opinions are. All such questions and the answers to them shall be recorded"; and

(ii) in sub-section (3), after the word "shall" the words "unless he proceeds in accordance with the provisions of section 562" shall be inserted.

75. For section 310 of the said Code the following section shall be substituted, namely :—

"310. In the case of a trial by a jury or with the aid of assessors when the accused is charged with an offence and further charged that he is by reason of a previous conviction liable to enhanced punishment or to punishment of a different kind for such subsequent offence, the procedure prescribed by the foregoing provisions of this Chapter shall be modified as follows, namely :—

(a) Such further charge shall not be read out in Court and the accused shall not be asked to plead thereto, nor shall the same be referred to by the prosecution, or any evidence adduced thereon unless and until,

(i) he has been convicted of the subsequent offence,

- - -or

Amendment
of Section
309, Code of
Criminal
Procedure,
1901.

Substitution
of new section
for section
310, Code of
Criminal
Procedure,
1901.

Procedure in
case of
previous
conviction.

- (ii) the jury have delivered their verdict, or the opinions of the assessors have been recorded, on the charge of the subsequent offence.
- (b) In the case of a trial held with the aid of assessors, the Court may, in its discretion, proceed or refrain from proceeding with the trial of the accused on the charge of the previous conviction."

Amendment
of section
339, Code of
Criminal
Procedure,
1904.

76. (1) In sub-section (1) of section 339 of the said Code, after the words and figures "section 338 and" the words "the Public Prosecutor certifies that in his opinion" shall be inserted; for the words "he may be" the words "such person may be" shall be substituted; and to the said sub-section the following proviso shall be added, namely:—

"Provided that such person shall not be tried jointly with any of the other accused, and that he shall be entitled to plead at such trial that he has complied with the conditions upon which such tender was made; in which case it shall be for the prosecution to prove that such conditions have not been complied with."

(2) In sub-section (2) of the same section, for the words "when the pardon has been forfeited under this section" the words "at such trial" shall be substituted.

Insertion of
new section
339A in the
Code of
Criminal
Procedure,
1904

77. After section 339 of the said Code the following section shall be inserted, namely:—

Procedure in
trial of per-
sons under
section 339.

"339A. (1) The Court trying under section 339 a person who has accepted a tender of pardon shall—

- (a) if the Court is a Court of session, before the charge is read out and explained to the accused under section 271, sub-section (1), and
- (b) if the Court is the court of a Magistrate, before the evidence of the witnesses for the prosecution is taken,

ask the accused whether he pleads that he has complied with the conditions on which the tender of the pardon was made.

(2) If the accused does so plead, the Court shall record the plea and proceed with the trial, and the jury,

or the Court with aid of the assessors, or the Magistrate, as the case may be, shall, before judgment is passed in the case, find whether or not the accused has complied, with the conditions of the pardon, and, if it is found that he has so complied, the Court shall, notwithstanding any thing contained in this Code, pass judgment of acquittal.

78. For section 340 of the said Code the following section shall be substituted, namely :—

Substitution of new section for section 340, Code of Criminal Procedure, 1904.

“ 340. (1) Any person accused of an offence before a Criminal Court, or against whom proceedings are instituted under this Code in any such Court, may of right be defended by a pleader.

Right of person against whom proceedings are instituted to be defended and his competency to be a witness

(2) Any person against whom proceedings are instituted in any such Court, under section 107, or under Chapter X, Chapter XI, Chapter XII or Chapter XXXVI, or under section 551, may offer himself as a witness in such proceedings.”

79. In section 345 of the said Code.—

Amendment of section 345, Code of Criminal Procedure, 1904.

(i) in sub-section (1), for the word “described” the word “specified” shall be substituted, and to the table in that sub-section, after the entry relating to criminal intimidation, the following entry shall be added, namely :—

Offence	Sections of the Indian Penal Code applicable	Persons by whom offence may be compounded
Act caused by making a person believe that he will be an object of divine displeasure	508	The person against whom the offence was committed.

(ii) for sub-section (2) the following sub-section shall be substituted, namely :—

(2) The offences punishable under the sections of the Indian Penal Code specified in the first two columns of the table next following may, with the permission of the Court before which any prosecution for such offence is

pending, be compounded by the person, mentioned in the third column of this table :—

Offence	Section of the Indian Penal Code applicable	Person by whom offence may be compounded
Voluntary causing hurt by dangerous weapons or means.	324	The person to whom hurt is caused.
Voluntary causing Grievous hurt ...	325	Do
Voluntary causing grievous hurt on grave and sudden provocation.	335	Do
Causing hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others.	337	Do
Causing grievous hurt by doing an act so rashly and negligently as to endanger human life or the personal safety of others	338	Do
Wrongfully confining a person for three days or more	343	The person confined.
Wrongfully confining a person in secret	346	Do
Assault or criminal force in attempting wrongfully to confine a person.	357	The person assaulted or to whom the force was used.
Dishonest misappropriation of property ...	403	The owner of the property misappropriated
Cheating ..	417	The person cheated.
Cheating a person whose interest the offender was bound, by law or by legal contract to protect.	418	Do
Cheating by personation ..	419	Do
Cheating and dishonestly inducing delivery of property on the making, alteration or destruction of a valuable security	420	Do
Mischief by injury to work of irrigation by wrongfully diverting water when the only loss or damage caused is loss or damage to a private person.	480	The person to whom the loss or damage is caused.
House-trespass to commit an offence (other than theft) punishable with imprisonment.	461	The person in possession of the house trespassed upon.
Using a false trade or property mark ..	482	The person to whom loss or injury is caused by such use.
Counterfeiting a trade or property mark used by another.	483	The person whose trade or property mark is counterfeited.
Knowingly selling, or exposing or possessing for sale or for trade or manufacturing purpose, goods marked with a counterfeit trade or property mark.	486	Do
Marrying again during the lifetime of a husband or wife.	494	The husband or wife of the person so marrying.
Uttering words or sounds or making gestures or exhibiting any object intending to insult the modesty of a woman or intruding upon the privacy of a woman.	509	The woman whom it is intended to insult or whose privacy is intruded upon.

(iii) in sub-section (4), for the words "a minor" the words "under the age of eighteen years or is" shall be substituted, and after the word "may" the words "with the permission of the Court" shall be inserted ;

(iv) after sub-section (5) the following sub-section shall be inserted namely :—

“(5A) The Chief Court acting in the exercise of its powers of revision under section 439 may allow any person to compound any offence which he is competent to compound under this section;” and

(v) to sub-section (6), after the word “accused” the words “with whom the offence has been compounded” shall be added.

80. In sub-section (1) of section 347 of the said Code, the words “stop further proceedings and” shall be omitted.

Amendment
of section
347, Code of
Criminal
Procedure,
1901

81. (1) Section 348 of the said Code shall be re-numbered 348 (1), and in the said section, as re-numbered after the word “shall” the words “if the Magistrate before whom the case is pending is satisfied that there are sufficient grounds for committing the accused” shall be inserted, and for the words “before whom the proceedings are pending” the words “is competent to try the case and” shall be substituted.

Amendment
of Section
348, Code of
Criminal
Procedure,
1904.

(2) In the proviso to the same section, as re-numbered, for the words “the District Magistrate” the words “any Magistrate in the district” shall be substituted.

(3) To the same section, as re-numbered, the following sub-section shall be added, namely :—

“(2) When any person is committed to the Court of Session under sub-section (1), any other person accused jointly with him in the same inquiry or trial shall be similarly committed, unless the Magistrate discharges such other person under section 209.”

82. After sub-section (1) of section 349, the following sub-section shall be inserted, namely :—

Amendment
of section
349, Code of
Criminal
Procedure,
1904.

“(1A) When more accused than one are being tried together and the Magistrate considers it necessary to proceed under sub-section (1) in regard to any of such accused, he shall forward all the accused who are in his opinion guilty to the District Magistrate or Sub-Divisional Magistrate.”

83. To sub-section (2) of section 350 of the said Code, after the figures “346,” the words “or in which proceedings have been submitted to a superior Magistrate under section 349” shall be added, and after the same

Amendment
of section
350, Code of
Criminal
Procedure,
1904.

sub-section, the following sub-section shall be added, namely:—

“(3) When a case is transferred under the provisions of this Code from one Magistrate to another, the former shall be deemed to cease to exercise jurisdiction therein and to be succeeded by the latter within the meaning of sub-section (1).”

Insertion of new section 350 A in the Code of Criminal Procedure, 1904.

84. After section 350 of the said Code, the following section shall be inserted, namely:—

Changes in constitution of Benches.

“350 A No order or judgment of a Bench of Magistrates shall be invalid by reason only of a change having occurred in the constitution of the Bench in any case in which the Bench by which such order or judgment is passed is duly constituted under sections 15 and 16 and the Magistrates constituting the same have been present on the Bench throughout the proceedings.

Amendment of section 356, Code of Criminal Procedure, 1904.

85. In section 356 of the said Code, after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) When the evidence of such witness is given in any other language, not being English, than the language of the Court, the Magistrate or Sessions Judge may take it down in that language with his own hand, or cause it to be taken down in that language in his presence and hearing and under his personal direction and superintendence, and an authenticated translation of such evidence in the language of the Court or in English shall form part of the record.”

Amendment of section 369, Code of Criminal Procedure, 1904.

86. In section 369 of the said Code, for the words “No Court other than the Chief Court” the words “Save as otherwise provided by this Code or by any other law for the time being in force, no Court” shall be substituted; and the words and figures “as provided in sections 395 and 484 or” shall be omitted.

Substitution of new section for section 386, Code of Criminal Procedure, 1904.

87. For section 386 of the said Code the following section shall be substituted, namely:—

Warrant for levy of fine,

“386. (1) Whenever an offender has been sentenced to pay a fine, the Court passing the sentence may

take action for the recovery of the fine in either or both of the following ways, that is to say, it may—

(a) issue a warrant for the levy of the amount by attachment and sale of any movable property belonging to the offender;

(b) issue a warrant to the Deputy Commissioner of the District authorising him to realise the amount by execution according to the civil process against the movable or immovable property, or both, of the defaulter:

Provided that, if the sentence directs that in default of payment of the fine the offender shall be imprisoned, and if such offender has undergone the whole of such imprisonment in default, no Court shall issue such warrant unless for special reasons to be recorded in writing it considers it necessary to do so.

(2) The Government may make rules regulating the manner in which warrants under sub-section (1), clause (a), are to be executed, and for summary determination of any claims made by any person other than the offender in respect of any property attached in execution of such warrant.

(3) Where the Courts issue a warrant to the Deputy Commissioner under sub-section (1), clause (b), such warrant shall be deemed to be a decree, and the Deputy Commissioner to be the decree-holder, within the meaning of the Code of Civil Procedure, 1908, and the nearest Civil Court by which any decree for a like amount could be executed shall, for the purposes of the said Code, be deemed to be the Court which passed the decree, and all the provisions of that Code as to execution of decrees shall apply accordingly:

Provided that no such warrant shall be executed by the arrest or detention in prison of the offender."

88. In section 387 of the said Code, for the words "Such warrant" the words "A warrant issued under section 386, sub-section (1), clause (a), by any Court" shall be substituted, and for the word "distress" the word "attachment" shall be substituted.

Amendment
of section
387, Code of
Criminal
Procedure,
1904

89. For section 388 of the said Code, the following section shall be substituted, namely:—

"388. (1) When an offender has been sentenced to fine only and to imprisonment in default of payment of the fine, and the fine is not paid forthwith, the Court may—

Substitution
of new sec-
tion 388.

(a) order that the fine shall be payable either in full on or before a date not more than thirty days from

the date of the order, or in two or three instalments, of which the first shall be payable on or before a date not more than thirty days from the date of the order and the other or others at an interval or at intervals, as the case may be, of not more than thirty days, and

(b) suspend the execution of the sentence of imprisonment and release the offender, on the execution by the offender of a bond with or without sureties, as the Court thinks fit, conditioned for his appearance before the court on the date or dates on or before which payment of fine or the instalments thereof, as the case may be, is to be made; and, if the amounts of the fine or of any instalment, as the case may be, is not realized on or before the latest date on which it is payable under the order, the Court may direct the sentence of imprisonment to be carried into execution at once.

(2) The provisions of sub-section (1) shall be applicable also in any case in which an order for the payment of money has been made on non-recovery of which imprisonment may be awarded, and the money is not paid forthwith; and if the person against whom the order has been made, on being required to enter into a bond such as is referred to in that sub-section, fails to do so, the Court may at once pass sentence of imprisonment."

90. In section 390 of the said Code after the word 'shall' the words and figures 'subject to the provisions of section 391' shall be inserted.

91. In sub-section (1) of section 391, of the said Code for the words "is sentenced to whipping in addition to imprisonment in a case which is subject to appeal" the following shall be substituted:—

"(a) is sentenced to whipping only and furnishes bail to the satisfaction of the Court for his appearance at such time and place as the Court may direct, or

(b) is sentenced to whipping in addition to imprisonment.

92. In section 395 of the said Code,—

(i) in sub-section (1), after the words "twelve months" the words "or to a fine not exceeding five hundred rupees" shall be inserted; and

(ii) in sub-section (2), after the words "for a term" the words "or a fine of an amount" shall be inserted.

93. In section 397 of the said Code,—

(i) after the words “to which he has been previously sentenced” the words “unless the Court directs that the subsequent sentence shall run concurrently with such previous sentence” shall be inserted; and

Amendment
of section
397, Code of
Criminal
procedure,
1901.

(ii) after the proviso the following further proviso shall be added, namely:—

“Provided, further, that where a person who has been sentenced to imprisonment by an order under section 123 in default of furnishing security is, whilst undergoing such sentence, sentenced to imprisonment for an offence committed prior to the making of such order, the latter sentence shall commence immediately.”

94. In section 401 of the said Code,—

Amendment
of Section
401, Code of
Criminal
Procedure,
1901.

(i) to sub-section (2) after the words “together with his reasons for such opinion” the following words shall be added, namely:—

“and also to forward with the statement of such opinion the record of the trial;”

(ii) after sub-section (4) the following sub-section shall be inserted, namely:—

“(4A) The provisions of the above sub-sections shall also apply to any order passed by a Criminal Court under any section of this Code or of any other law, which restricts the liberty of any person or imposes any liability upon him or his property;”

(iii) after sub-section (5) the following sub-section shall be inserted, namely:—

“(5A) Where a conditional pardon is granted by His Highness the Maharaja any condition thereby imposed, of whatever nature, shall be deemed to have been imposed by a sentence of a competent Court under this Code and shall be enforceable accordingly.”

95. Section 402 of the said Code shall be re-numbered section 402 (1) and, to the said section, as re-numbered, the following sub-section shall be added, namely:—

Amendment
of Section
402, Code of
Criminal
Procedure,
1901.

“(2) Nothing in this section shall affect the provisions of section 54 or section 55 of the Indian Penal Code.”

96. For section 406 of the said Code the following section shall be substituted, namely:—

Substitution
of new
section for
section 406,
Code of
Criminal
Procedure,
1901.

Appeal from order requiring security for keeping the peace or for good behaviour.

"406. Any person who has been ordered under section 118 to give security for keeping the peace or for good behaviour may appeal against such order to the Court of Session :

Provided that the Government may, by notification in the Official Gazette, direct that in any district specified in the notification, appeals from such orders made by a Magistrate other than the District Magistrate shall lie to the District Magistrate and not to the Court of Session.

Provided, further, that nothing in this section shall apply to persons, the proceedings against whom are laid before a Sessions Judge in accordance with the provisions of sub-section (2) or sub-section (3A) of section 123."

Insertion of new section 406 A in the Code of Criminal Procedure, 1904.

97. After section 406 of the said Code, the following section shall be inserted, namely:—

Appeal from order refusing to accept or rejecting a surety.

"406A. Any person aggrieved by an order refusing to accept or rejecting a surety under section 122 may appeal against such order,—

(a) if made by the District Magistrate, to the Court of Session ; or

(b) if made by a Magistrate other than the District Magistrate, to the District Magistrate."

Amendment of section 407, Code of Criminal Procedure, 1904.

98. In sub-section (1) of section 407 of the said Code, after the figures "349," the words and figures "or in respect of whom an order has been made or a sentence has been passed under section 380" shall be inserted.

Amendment of section 408, Code of Criminal Procedure, 1904.

99. In section 408 of the said Code,—

(i) after the figures "349" the words and figures "or in respect of whom an order has been made or a sentence has been passed under section 380" shall be inserted ; and

(ii) in clause (a) of the proviso, after the word "appeal" the following words shall be inserted, namely:—

"of all or any of the accused convicted at such trial"

Amendment of section 409, Code of Criminal Procedure, 1904.

100. To section 409 of the said Code the following proviso shall be added, namely:—

"Provided that an additional Sessions Judge shall hear only such appeals as the Government may, by general or special order, direct or as the Sessions Judge of the Division may make over to him."

101. In section 413 of the said Code, (1) the words 'or the District Magistrate or other Magistrate of the First Class' occurring after the words 'Court of Session' shall be omitted, (ii) after the words 'only or' occurring for the first time, the words 'in which a Court of Session or District Magistrate or other Magistrate of the First Class passes a sentence' shall be inserted; and (iii) the words 'or of whipping only' occurring at the end shall be omitted.

Amendment
of section 413
Code of
Criminal
Procedure,
1904.

102. In section 414 of the said Code, the words 'of imprisonment not exceeding three months only or' occurring after the word 'sentence' and the words 'or of whipping only' occurring at the end shall be omitted.

Amendment
of section 414,
Code of
Criminal
Procedure,
1904.

103. After the section 415 of the said Code, the following section shall be inserted, namely:—

Insertion of
new section
415 A in the
Code of
Criminal
Procedure,
1904.

"415A. Notwithstanding anything contained in this Chapter, when more persons than one are convicted in one trial and an appealable judgment or order has been passed in respect of any such persons, all or any of the persons convicted at such trial shall have a right of appeal."

Special right
of appeal in
certain cases

104. Section 418 of the said Code shall be re-numbered section 418 (1), and, to the said section as re-numbered, the following sub-section shall be added namely:—

Amendment
of section
418, Code of
Criminal
Procedure,
1904.

"(2) Notwithstanding anything contained in sub-section (1) or in section 423, sub-section (2), when, in the case of a trial by jury, any person is sentenced to death, any other person convicted in the same trial with the person so sentenced may appeal on a matter of fact as well as matter of law."

105. In section 435 of the said Code,—

Amendment
of section
435, Code of
Criminal
Procedure,
1904.

(i) to sub-section (1), after the words "proceedings of such inferior Courts" the following words shall be added, namely:—

"and may, when calling for such record, direct that the execution of any sentence be suspended and, if the accused is in confinement, that he be released on bail or on his own bond pending the examination of the record,"

(ii) after the same sub-section, the following *Explanation* shall be added, namely:—

"*Explanation.*—All Magistrates, whether exercising original or appellate jurisdiction, shall be deemed to be

inferior to the Sessions Judge for the purposes of this sub-section and of section 437," and

(iii) sub-section (3) shall be omitted.

Transposition
of sections
436 and 437
and amend-
ment of
section 437,
Code of
Criminal
Procedure,
1904.

106. Sections 436 and 437 of the said Code shall be renumbered 437 and 436, respectively, and, in the latter section, as re-numbered,—

(a) for the words "accused person" the words "person accused of an offence" shall be substituted; and

(b) after the word "discharged," the following proviso shall be added, namely:—

"Provided that no Court shall make any direction under this section for inquiry into the case of any person who has been discharged unless such person has had an opportunity of shewing cause why such direction should not be made."

Amendment
of section
438, Code of
Criminal
Procedure,
1904.

107. In sub-section (2) of section 438 of the said Code, for the words "by the Sessions Judge" the words "by or under any general or special order of the Sessions Judge" shall be substituted.

Amendment
of section
439, Code of
Criminal
Procedure,
1904.

108. In sub-section (1) of section 439 of the said Code, the figure "195" shall be omitted, and after sub-section (5) of the same section the following sub-section shall be added, namely:—

"(6) Notwithstanding anything contained in this section, any convicted person to whom an opportunity has been given under sub-section (2) of showing cause why his sentence should not be enhanced shall, in showing cause, be entitled also to show cause against his conviction."

Amendment
of section
464, Code of
Criminal
Procedure,
1904.

109. In section 464 of the said Code,—

(i) after sub-section (1) the following sub-section shall be inserted, namely:—

"(1A) Pending such examination and inquiry, the Magistrate may deal with the accused in accordance with the provisions of section 466; and

(ii) in sub-section (2), after the word "he" the words "shall record a finding to that effect and" shall be inserted.

Amendment
of section
465, Code of
Criminal
Procedure,
1904.

110. In sub-section (1) of section 465 of the said Code, for the words "and if satisfied of the fact, shall pass judgment accordingly, and thereupon the trial shall be

postponed," the following words shall be substituted, namely:—

"and if the jury or Court as the case may be, is satisfied of the fact, the Judge shall record a finding to that effect, and shall postpone further proceedings in the case and the jury, if any, shall be discharged."

111. In section 466 of the said Code,—

(i) in sub-section (1), for the words "if the case is one in which bail may be taken," the words "whether the case is one in which bail may be taken or not" shall be substituted; and

Amendment of section 466 Code of Criminal Procedure, 1904

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) If the case is one in which, in the opinion of the Magistrate or Court, bail should not be taken, or if sufficient security is not given, the Magistrate or Court, as the case may be, shall order the accused to be detained in safe custody in such place and manner as he or it may think fit, and shall report the action taken to the Government.

Custody of lunatic.

Provided that no order for the detention of the accused in a lunatic asylum shall be made otherwise than in accordance with such rules as the Government may have made under the Mysore Lunacy Regulation, 1916."

112. In sub-section (2) of section 468 of the said Code, the word "person" shall be omitted, and the following words shall be added after the words "as the case may be," namely:—

Amendment of section 468, Code of Criminal Procedure, 1904.

"and if the accused is found to be of unsound mind and incapable of making his defence, shall deal with such accused in accordance with the provisions of section 466."

113. (1) In sub-section (1) of section 471 of the said Code,—

Amendment of section 471, Code of Criminal Procedure, 1904.

(i) for the words "such judgment" the words "the finding" shall be substituted;

(ii) for the words "and shall report the case for the order of Government" the words "and shall report the action taken to the Government" shall be substituted.

(2) After sub-section (1) of the same section, the following proviso shall be inserted, namely:—

"Provided that no order for the detention of the accused in a lunatic asylum shall be made otherwise than in accordance with such rules as the Government may have made under the Mysore Lunacy Regulation, 1916.

(3) Sub-section (4) of the same section shall be re-numbered (2).

amendment
section
3, Code of
criminal
procedure,
104,

114. In section 473 of the said Code, for the word "confined" the word "detained" shall be substituted, and for the words "such Inspector-General or visitors" the words "in the case of a person detained in a jail, the Inspector-General of Prisons, or, in the case of a person detained in a lunatic asylum, the visitors of such asylum, or any two of them" shall be substituted.

amendment
section
4, Code of
criminal
procedure,
104.

115. In section 474 of the said Code, for the word "confined" the word "detained" shall be substituted, and for the words "discharged" (wherever it occurs) and "discharge" the words "released" and "release", respectively, shall be substituted.

substitution
new section
5, Code of
criminal
procedure,
104

116. For section 475 of the said Code, the following section shall be substituted, namely:—

delivery of
native to
care of
relative or
friend.

"475. (1) Whenever any relative or friend of any person detained under the provisions of section 466 or section 471 desires that he shall be delivered to his care and custody, the Government may, upon the application of such relative or friend and on his giving security to the satisfaction of the Government that the person delivered shall—

- (a) be properly taken care of and prevented from doing injury to himself or to any other person, and
- (b) be produced for the inspection of such officer, and at such times and places, as the Government may direct, and
- (c) in the case of a person detained under section 466, be produced when required before such Magistrate or Court,
order such person to be delivered to such relative or friend.

(2) If the person so delivered is accused of any offence the trial of which has been postponed by reason of his being of unsound mind and incapable of making his defence, and the inspecting officer referred to in sub-section (1), clause (b), certifies at any time to the Magistrate or Court that such person is capable of making his defence, such Magistrate or Court shall call upon the relative or friend to whom such accused was delivered to produce him before the Magistrate or Court; and, upon such production

the Magistrate or Court shall proceed in accordance with the provisions of section 468, and the certificate of the inspecting officer shall be receivable as evidence."

117. For section 476 of the said Code, the following sections shall be substituted, namely:—

Substitution
of new
sections for
section 476,
Code of
Criminal
Procedure
1901.

Procedure, in
cases men-
tioned in
section 195.

"476. (1) When any Civil, Revenue or Criminal Court is, whether on application made to it in this behalf or otherwise, of opinion that it is expedient in the interests of justice that an inquiry should be made into any offence referred to in section 195, sub-section (1), clause (b) or class (c), which appears to have been committed in or in relation to a proceeding in that Court, such Court may, after such preliminary inquiry, if any, as it thinks necessary, record a finding to that effect and make a complaint thereof in writing signed by the presiding officer of the Court, and shall forward the same to a Magistrate of the first class having jurisdiction, and may take sufficient security for the appearance of the accused before such Magistrate or if the alleged offence is non-bailable, may, if it thinks necessary so to do, send the accused in custody to such Magistrate, and may bind over any person to appear and give evidence before such Magistrate.

(2) Such Magistrate shall thereupon proceed according to law and as if upon complaint made under section 200.

(3) Where it is brought to the notice of such Magistrate or of any other Magistrate to whom the case may have been transferred, that an appeal is pending against the decision arrived at in the judicial proceeding out of which the matter has arisen, he may, if he thinks fit, at any stage adjourn the hearing of the case until such appeal is decided.

"476A. The power conferred on Civil, Revenue and Criminal Courts by section 476, sub-section (1), may be exercised, in respect of any offence referred to therein and alleged to have been committed in or in relation to any proceeding in any such Court, by the Court to which such former Court is subordinate within the meaning of section 195, sub-section (3), in any case in which such former Court has neither made a complaint under section 476 in respect of such offence nor rejected an application for the making of such complaint; and, where the superior Court

Superior
Court may
complain
where sub-
ordinate
Court has
committed to do
so.

makes such complaint, the provisions of section 476 shall apply accordingly.

Appeals

476B. Any person on whose application any Civil, Revenue or Criminal Court has refused to make a complaint under section 476 or section 476A, or against whom such a complaint has been made, may appeal to the Court to which such former Court is subordinate within the meaning of section 195, subsection (3), and the superior Court may thereupon, after notice to the parties concerned, direct the withdrawal of the complaint or, as the case may be, itself make the complaint which the subordinate Court might have made under section 476, and, if it makes such complaint, the provisions of that section shall apply accordingly."

Repeal of section 477, Code of Criminal Procedure, 1904.

118. Section 477 of the said Code shall be omitted.

Amendment of section 487, Code of Criminal Procedure, 1904.

119. In section 487 of the said Code, the figures "477" shall be omitted.

Amendment of section 488, Code of Criminal Procedure, 1904.

120. In section 488 of the said Code,—

(i) in sub-section (1), for the word "fifty" the words "one hundred" shall be substituted;

(ii) in sub-section (3), for the words "wilfully neglects" the words "fails without sufficient cause" shall be substituted;

(iii) to the same sub-section, the following proviso shall be added namely:—

"Provided, further, that no warrant shall be issued for the recovery of any amount due under this section unless application be made to the Court to levy such amount within a period of one year from the date on which it becomes due;"

(iv) sub-section (7) shall be omitted; and

(v) sub-sections (8) and (9) shall be renumbered (7) and (8), respectively, and, in the last named sub-section, for the words "The accused may be proceeded against" the words "Proceedings under this section may be taken against any person" shall be substituted.

Amendment of section 489, Code of Criminal Procedure, 1904.

121. (1) Section 489 of the said Code shall be re-numbered as sub-section (1) of section 489 and, in that sub-section, as re-numbered, for the word "fifty" the words "one hundred" shall be substituted.

(2) To the same section, the following sub-section shall be added, namely :—

(2) Where it appears to the Magistrate that, in consequence of any decision of a competent Civil Court, any order made under section 488 should be cancelled or varied, he shall cancel the order or as the case may be, vary the same accordingly."

122. (1) In sub-section (2) of section 492 of the said Code, the words "in any case committed for trial to the Court of Session" shall be omitted, and for the words "such case" the words "any case" shall be substituted. Amendment of section 492, Code of Criminal Procedure, 1901

(2) in the same sub-section, for the words "the rank of Assistant Superintendent" the words "such rank as the Government may prescribe in this behalf" shall be substituted.

123. In section 494 of the said Code,—

(i) the words "appointed by the Government" shall be omitted ;

(ii) after the words "prosecution of any person" the words "either generally or in respect of any one or more of the offences for which he is tried" shall be inserted ;

(iii) after the word "discharged" in clause (a), the words "in respect of such offence or offences" shall be inserted ; and

(iv) after the word "acquitted" in clause (b), the words "in respect of such offence or offences" shall be added.

124. To section 496 of the said Code, the following proviso shall be added, namely :— Amendment of section 496, Code of Criminal Procedure, 1904

"Provided, further, that nothing in this section shall be deemed to affect the provisions of section 107, sub-section (4), or section 117, sub-section (3)."

125. In section 497 of the said Code,—

(i) in sub-section (1), for the words "the offence of which he is accused" the words "an offence punishable with death or transportation for life" shall be substituted and to the same sub-section the following proviso shall be added, namely :— Amendment of section 497, Code of Criminal Procedure, 1904.

"Provided that the Court may direct that any person under the age of sixteen years or any woman or any sick or infirm person accused of such an offence be released on bail ;"

(ii) in sub-section (2), for the words "such offence" the words "non-bailable offence" shall be substituted ;

(iii) after sub-section (2), the following sub-section shall be inserted, namely :—

“(3) An officer or a Court releasing any person on bail under sub-section (1) or sub-section (2) shall record in writing his or its reasons for so doing.

“(4) If, at any time after the conclusion of the trial of a person accused of a non-bailable offence and before judgment is delivered, the Court is of opinion that there are reasonable grounds for believing that the accused is not guilty of any such offence, it shall release the accused, if he is in custody, on the execution by him of a bond without sureties for his appearance to hear judgment delivered”; and

(iv) for sub-section (3), the following sub-section shall be substituted, namely :—

“(5) The Chief Court or a Court of Session and, in the case of a person released by itself, any other Court, may cause any person who has been released under this section to be arrested and may commit him to custody.”

Amendment
of section
514, Code
Criminal
Procedure.

126. In section 514 of the said Code,—

(i) in sub-section (3), for the word “distress” the word “attachment” shall be substituted; and

(ii) in sub-section (6), the words “but the party who gave the bond may be required to find a new surety” shall be omitted, and, after the said sub-section, the following sub-section shall be inserted, namely :—

“(7) When any person who has furnished security under section 106 or section 118 or section 562 is convicted of an offence the commission of which constitutes a breach of the conditions of his bond or of a bond executed in lieu of his bond under section 514B, a certified copy of the judgment of the Court by which he was convicted of such offence may be used as evidence in proceedings under this section against his surety or sureties, and, if such certified copy is so used, the Court shall presume that such offence was committed by him unless the contrary is proved.

127. After section 514 of the said Code, the following sections shall be inserted, namely :—

Insertion of
new sections
514 A and
514 B in the
Code of
Criminal
Procedure,
1901.

Procedure in
case of insol-
vency or
death of
surety or
when a bond
is forfeited.

“514A. When any surety to a bond under this Code becomes insolvent or dies, or when any bond is forfeited under the provisions of section 514, the Court, by whose order such bond was taken, or a Magistrate of

the first class, may order the person from whom such security was demanded to furnish fresh security in accordance with the directions of the original order, and if such security is not furnished, such Court or Magistrate may proceed as if there had been a default in complying with such original order.

514B. When the person required by any Court or officer to execute a bond is a minor, such Court or officer may accept, in lieu thereof, a bond executed by a surety or sureties only.”

Bond required from a minor.

128. In Chapter XLIII of the said Code, before section 517, the following section shall be inserted, namely :—

Insertion of new section 516A in the Code of Criminal Procedure, 1904.

“516A. When any property regarding which any offence appears to have been committed or which appears to have been used for the commission of any offence is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy or natural decay, may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.”

Order for custody and disposal of property pending trial in certain cases.

129. In section 517 of the said Code,—

(i) in sub-section (1), after the word “disposal” the words “by destruction, confiscation, or delivery to any person claiming to be entitled to possession thereof or otherwise” shall be inserted;

Amendment of section 517 Code of Criminal Procedure, 1904.

(ii) for sub-section (3), the following sub-section shall be substituted, namely :—

“(3) When an order is made under this section such order shall not, except where the property is live-stock or subject to speedy and natural decay, and save as provided by sub-section (4), be carried out for one month, or when an appeal is presented, until such appeal has been disposed of”; and

(iii) after sub-section (3), the following sub-section shall be inserted, namely :—

“(4) Nothing in this section shall be deemed to prohibit any Court from delivering any property under the provisions of sub-section (1) to any person claiming to be entitled to the possession thereof, on his executing

a bond with or without sureties to the satisfaction of the Court, engaging to restore such property to the Court if the order made under this section is modified or set aside on appeal."

Amendment
of section
522 Code of
Criminal
Procedure
1904

130. In section 522 of the said Code,—

(i) in sub-section (1), after the word "force" where it first occurs, the words "or show of force or by criminal intimidation" shall be inserted, and after the word "force," where it occurs for the second time, the words "or show of force or criminal intimidation" shall be inserted, and for the words "such person" the words "the person dispossessed" shall be substituted;

(ii) in the same sub-section, after the words "thinks fit" the words "when convicting such person or at any time within one month from the date of the conviction" shall be inserted; and

(iii) after sub-section (2), the following sub-section shall be added, namely:—

"(3) An order under this section may be made by any Court of appeal, confirmation, reference or revision."

Amendment
of section
525 Code of
Criminal
Procedure,
1904

131. In section 525 of the said Code, for the words "or the Magistrate" the words "or if the Magistrate" shall be substituted and after the word "owner" the words "or that the value of such property is less than ten rupees" shall be inserted.

Amendment
of section
526 Code of
Criminal
Procedure,
1904

132. In section 526 of the said Code,—

(i) in sub-clauses (ii) and (iii) of sub-section (1), the word "criminal" before the word "case," and in sub-clause (ii), the word "such" before the word "cases," shall be omitted;

(ii) in sub-section (5), for the word "convicted" the words "so ordered" shall be substituted, and for the words "the costs of the prosecutor" the words "any amount which the Chief Court has power under this section to award by way of costs to the person opposing the application" shall be substituted;

(iii) after sub-section (6), the following sub-section shall be inserted, namely:—

"(6A) Where any application for the exercise of the power conferred by this section is dismissed, the Chief Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of costs to any person who has opposed the application

any expenses reasonably incurred by such person in consequence of the application; " and

(iv) for sub-section (8), the following sub-sections shall be substituted, namely :—

"(8) If, in the course of any inquiry or trial, or before the commencement of the hearing of any appeal, the Public Prosecutor, the complainant or the accused notifies to the Court before which the case or appeal is pending his intention to make an application under this section in respect of such case or appeal, the Court shall adjourn the case or postpone the appeal for such a period as will afford a reasonable time for the application to be made and an order to be obtained thereon.

(9) Notwithstanding anything hereinbefore contained, a Judge presiding in a Court of Session shall not be required to adjourn a trial under sub-section (8) if he is of opinion that the person notifying his intention of making an application under this section has had a reasonable opportunity of making such an application and has failed without sufficient cause to take advantage of it."

133. In section 528 of the said Code,—

(i) sub-sections (1), (2) and (3) shall be re-numbered (2), (3), and (5), respectively, and the following shall be inserted as sub-section (1), namely :—

"(1) Any Sessions Judge may withdraw any case from, or recall any case which he has made over to, any Assistant Sessions Judge subordinate to him ;"

(ii) after sub-section (3), as re-numbered, the following sub-section shall be inserted, namely :—

"(4) Any Magistrate may recall any case made over by him under section 192, sub-section (2), to any other Magistrate and may inquire into or try such case himself."

134. In section 537 of the said Code,—

(i) clause (b) shall be omitted ;

(ii) the word "want," where it occurs for the second time shall be omitted ; and

(iii) the *Illustration* shall be omitted ;

135. In section 528 of the said Code, for the word "distress" wherever it occurs, the word "attachment" shall be substituted.

Amendment
of section
528, Code of
Criminal
Procedure,
1904.

Sessions
Judge may
withdraw
cases from
Assistant
Sessions
Judge.

Amendment
of section
537, Code of
Criminal
Procedure,
1904.

Amendment
of section
528, Code of
Criminal
Procedure,
1904.

Insertion of
new section
539A and
539B in the
Code of
Criminal
Procedure,
1904.

Affidavit in
proof of
conduct of
public
servant

136. In Chapter XLVI and before section 540 of the said Code, the following sections shall be inserted, namely:—

“539A. (1) When any application is made to any Court in the course of any inquiry, trial or other proceeding under this Code, and allegations are made therein respecting any public servant, the applicant may give evidence of the facts alleged in the application by affidavit, and the Court may, if it thinks fit, order that evidence relating to such facts be so given.

An affidavit to be used before any Court under this section may be sworn or affirmed, before any Magistrate.

Affidavits under this section shall be confined to, and shall state separately, such facts as the deponent is able to prove from his own knowledge and such facts as he has reasonable grounds to believe to be true, and, in the latter case, the deponent shall clearly state the grounds of such belief.

(2) The Court may order any scandalous and irrelevant matter in an affidavit to be struck out or amended.

Local
inspection.

539B. (1) Any Judge or Magistrate may, at any stage of any inquiry, trial or other proceeding, after due notice to the parties, visit and inspect any place in which an offence is alleged to have been committed, or any other place which it is in his opinion necessary to view for the purpose of properly appreciating the evidence given at such inquiry or trial, and shall without unnecessary delay record a memorandum of any relevant facts observed at such inspection.

(2) Such memorandum shall form part of the record of the case. If the Public Prosecutor, complainant or accused so desires, a copy of the memorandum shall be furnished to him free of cost.

Provided that in the case of a trial by jury or with the aid of assessors, the Judge shall not act under this section, unless such jury or assessors are also allowed a view under section 293.”

137. After section 540 of the said Code, the following section shall be inserted, namely:—

Insertion of
new section
540A in the
Code of
Criminal
Procedure,
1904.

"540A. (1) At any stage of an inquiry or trial under this Code, where two or more accused are before the Court, if the Judge or Magistrate is satisfied, for reasons to be recorded, that any one or more of such accused is or are incapable of remaining before the Court, he may, if such accused is represented by a pleader, dispense with his attendance and proceed with such inquiry or trial in his absence, and may at any subsequent stage of the proceedings, direct the personal attendance of such accused.

Provision for inquiries and trial being held in the absence of accused in certain cases.

(2) If the accused in any such case is not represented by a pleader, or if the Judge or Magistrate considers his personal attendance necessary, he may, if he thinks fit, and for reasons to be recorded by him, either adjourn such inquiry or trial, or order that the case of such accused be taken up or tried separately."

138. In section 545 of the said Code,—

(i) for clause (b) of sub-section (1) the following clause shall be substituted, namely : —

Amendment of section 545, Code of Criminal Procedure, 1904.

"(b) in the payment to any person of compensation for any loss or injury caused by the offence when substantial compensation is, in the opinion of the Court, recoverable by such person in a Civil Court ;" and

(ii) to sub-section (1), the following clause shall be added, namely :—

"(c) when any person is convicted of any offence which includes theft, criminal misappropriation, criminal breach of trust, or cheating, or of having dishonestly received or retained, or of having voluntarily assisted in disposing of stolen property, knowing or having reason to believe the same to be stolen, in compensating and *bona fide* purchase of such property for the loss of the same if such property is restored to the possession of the person entitled thereto."

139. After section 546 of the said Code, the following section shall be inserted, namely :—

Insertion of new section 546A in the Code of Criminal Procedure, 1904.
Order of payment of certain fees paid by complainant in non-cognizable cases.

"546A. (1) Whenever any complaint of a non-cognizable offence is made to a Court, the court, if it convicts the accused, may, in addition to the penalty imposed upon him, order him to pay to the complainant—

(a) the fee (if any) paid on the petition of complaint, or for the examination of the complainant, and

(b) any fees paid by the complainant for serving processes on his witnesses or on the accused, and may further order that, in default of payment, the accused shall suffer simple imprisonment for a period not exceeding thirty days.

(2) An order under this section may also be made by an Appellate Court, or by the Chief Court, when exercising its powers of revision."

Amendment
of section
547, Code of
Criminal
Procedure
1904.

140. In section 547 of the said Code, before the word 'payable' the words 'which is' and after the word "Code" the words "and the method of recovery of which is not otherwise expressly provided for" shall be inserted.

Substitution
of new section
for
section 559
Code of
Criminal
Procedure,
1904

141. For section 559 of the said Code, the following section shall be substituted, namely:—

Provision for
powers of
Judges and
Magistrates
being exer-
cised by their
successors in
office.

"559. (1) Subject to the other provisions of this Code, the powers and duties of a Judge or Magistrate may be exercised or performed by his successor in office.

(2) When there is any doubt as to who is the successor in office of any Magistrate, the District Magistrate shall determine by order in writing the Magistrate who shall, for the purpose of this Code or of any proceedings or order thereunder, be deemed to be the successor in office of such Magistrate.

(3) When there is any doubt as to who is the successor in office of any Additional or Assistant Sessions Judge, the Sessions Judge shall determine by order in writing the Judge who shall, for the purposes of this Code or of any proceedings or order thereunder, be deemed to be the successor in office of such Additional or Assistant Sessions Judge."

Insertion of
new section
561 A in the
Code of
Criminal
Procedure,
1904.

142. After section 561 of the said Code, the following section shall be inserted, namely:—

Saving of
inherent
power of
Chief Court.

"561A. Nothing in this Code shall be deemed to limit or affect the inherent power of the Chief Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice."

143. For section 562 of the said Code, the following section shall be substituted, namely :—

Substitution
of new sec-
tion for sec-
tion 562.
Code of
Criminal
Procedure,
1904.

“ 562. (1) When any person not under twenty-one years of age is convicted of an offence punishable with imprisonment for not more than seven years, or when any person under twenty-one years of age or any woman is convicted of an offence not punishable with death or transportation for life, and no previous conviction is proved against the offender, if it appears to the Court before which he is convicted, regard being had to the age, character or antecedents of the offender, and to the circumstances in which the offence was committed, that it is expedient that the offender should be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period (not exceeding three years) as the Court may direct, and in the meantime to keep the peace and be of good behaviour :

Power of
court to
release
certain
convicted
offenders on
probation of
good con-
duct instead
of sentencing
to punish-
ment.

Provided that, where any first offender is convicted by a Magistrate of the third class, or a Magistrate of the second class not specially empowered by the Government in this behalf, and the Magistrate is of opinion that the powers conferred by this section should be exercised, he shall record his opinion to that effect, and submit the proceedings to a Magistrate of the first class or Sub-Divisional Magistrate, forwarding the accused to, or taking bail for his appearance before, such Magistrate, who shall dispose of the case in manner provided by section 330.

(1A) In any case in which a person is convicted of theft, theft in a building, dishonest misappropriation, cheating or any offence under the Indian Penal Code punishable with not more than two years' imprisonment and no previous conviction is proved against him, the Court before whom he is so convicted may, if it thinks fit, having regard to the age, character, antecedents or physical or mental condition of the offender and to the trivial nature of the offence or to any extenuating circumstances under which the offence was committed, instead of sentencing him to any punishment, release him after due admonition.

Conviction
and release
with admo-
nition.

(2) An order under this section may be made by any Appellate Court or by the Chief Court when exercising its power of revision.

(3) When an order has been made under this section in respect of any offender, the Chief Court may, on appeal when there is a right of appeal to such Court, or when exercising its powers of revision, set aside such order, and in lieu thereof pass sentence on such offender according to law :

Provided that the Chief Court shall not under this sub-section inflict a greater punishment than might have been inflicted by the Court by which the offender was convicted.

(4) The provisions of sections 122, 126A and 406A shall, so far as may be, apply in the case of sureties offered in pursuance of the provisions of this section."

144. For section 565 of the said Code the following section shall be substituted, namely :—

Substitution
of new sec-
tion for
section 565,
Code of
Criminal
Procedure,
1901.

Order for
notifying
address of
previously
convicted
offender.

" 565 (1) When any person having been convicted—

(a) by a Court in Mysore of an offence punishable under section 215, section 489A, section 489B, section 489C, or section 489D, of the Indian Penal Code, or of any offence punishable under Chapter XII or Chapter XVII of that Code, with imprisonment of either description for a term of three years, or upwards, or

(b) by a Court or Tribunal in British India or any other territory to which the Indian Penal Code may have been extended by the Governor-General of India in Council or of any offence which would, if committed in Mysore, have been punishable under any of the aforesaid sections or Chapters of the Indian Penal Code with like imprisonment for a like term,

is again convicted of any offence punishable under any of those sections or chapters with imprisonment for a term of three years or upwards by the Chief Court, Court of Session, District Magistrate, Sub-Divisional Magistrate, or Magistrate of the first class, such Court or Magistrate may, if it or he thinks fit, at the time of passing sentence of transportation or imprisonment on such person, also order that his residence and any change of or absence

from such residence after release be notified as hereinafter provided for a term not exceeding five years from the date of the expiration of such sentence.

(2) If such conviction is set aside on appeal or otherwise, such order shall become void.

(3) The Government may make rules to carry out the provisions of this section relating to the notification of residence or change of or absence from residence by released convicts.

(4) An order under this section may also be made by an Appellate Court or by the Chief Court when exercising its powers of revision.

(5) Any person against whom an order has been made under this section and who refuses or neglects to comply with any rule so made shall be deemed, within the meaning of section 176 of the Indian Penal Code, to have omitted to give notice required for the purpose of preventing the commission of an offence.

(6) Any person charged with a breach of any such rule may be tried by a Magistrate of competent jurisdiction in the district in which the place last notified by him as his place of residence is situated."

145. In Schedule II to the said Code,—

(1) in column 1, the figures "405" occurring between the figures "404" and "406" shall be omitted;

(2) for the first entry in column 3, against section 213, the words "may arrest without warrant" shall be substituted;

(3) for the entry in column 3, against section 214, the words "shall not arrest without warrant" shall be substituted;

(4) for the entry in column 3, against section 215, the words "May arrest without warrant" shall be substituted;

(5) for the entry in column 3, against section 374, the words "shall not arrest without warrant" shall be substituted;

(6) for each of the entries in column 5, against sections 118, 119 and 120 occurring opposite the entries "If the offence be not committed" in column 2, the word "Bailable" shall be substituted; and for the entry in column 5 opposite the entry "120 Concealing a design to commit an offence punishable with imprisonment, if the offence be committed" the words "According as the offence concealed is bailable or not" shall be substituted;

Amendment
of Schedule
II, Code of
Criminal
Procedure,
1904.

(7) for the entry in column 5, against section 363, the word "Bailable" shall be substituted; and, for the entry in the same column against section 364, the words "Not bailable" shall be substituted;

(8) for the entry in column 5, against section 477A, the word "Bailable" shall be substituted;

(9) for the entry in column 5, against section 495, the word "Bailable" shall be substituted;

(10) for each of the entries in column 6, against sections 343, 346 and 357, the words "Compoundable when permission is given by the Court before which the prosecution is pending" shall be substituted; and, for each of the entries in the same column, against sections 344 and 347, the words "Not compoundable" shall be substituted;

(11) for the entry in column 6, against section 403, the words "Compoundable when permission is given by the Court before which the prosecution is pending" shall be substituted;

(12) for each of the entries in column 6, against sections 417, 418, 419 and 420, the words "Compoundable when permission is given by the Court before which the prosecution is pending" shall be substituted;

(13) for the entry in column 6, against section 430, the words "Compoundable when permission is given by the Court before which the prosecution is pending" shall be substituted; and for the entry in the same column, against section 431, the words "Not compoundable" shall be substituted;

(14) for the first entry in column 6, against section 451, the following shall be substituted, namely:—"Compoundable when permission is given by the Court before which the prosecution is pending"; and for the second entry in that column, against the same section the words "Not compoundable" shall be substituted;

(15) for the entry in column 6, against section 482, the words "Compoundable when permission is given by Court before which the prosecution is pending" shall be substituted; and, for the entry in the same column, against section 484, the words "Not compoundable" shall be substituted;

(16) for the entry in column 6, against section 486, the words "Compoundable with permission of the Court before which the prosecution is pending" shall be substituted; and, for the entry in the same column against

section 487, the words "Not compoundable" shall be substituted;

(17) for the entry in column 6, against section 494, the words "Compoundable with permission of the Court before which the prosecution is pending" shall be substituted; and, for the entry in the same column, against section 495, the words "Not compoundable" shall be substituted;

(18) for the entry in column 6, against section 508, the word "Compoundable" shall be substituted;

(19) for the entry in column 6, against section 509, the words "Compoundable when permission is given by the Court before which the prosecution is pending" shall be substituted; and, for the entry in the same column, against section 510, the words "Not compoundable" shall be substituted;

(20) in the entry in column 7, against section 121, for the words "forfeiture of property" the word "fine" shall be substituted;

(21) in the entry in column 7, against section 121A, after the word "years" the words "and fine" shall be inserted;

(22) in the entry in column 7, against section 122, for the words "forfeiture of property" the word "fine" shall be substituted;

(23) for the entry in column 7, against section 477A, the words "Imprisonment of either description for seven years, or fine or both" shall be substituted;

(24) for the entry in column 8, against section 294, the words "Any Magistrate" shall be substituted;

(25) for the entry in column 8, against section 317, the words "Court of Session, or Magistrate of the first class" shall be substituted;

(26) in the entry in column 8, against section 318, the words "or second" shall be omitted;

(27) for the entry in column 8, against section 327, the words "Court of Session, or Magistrate of the first class" shall be substituted; and, for the entry in the same column, against section 328, the words "Court of Session" shall be substituted;

(28) for the entry in column 8, against section 368, the words "Court of Session, or Magistrate of the first class" shall be substituted;

(29) for the entry in column 8, against section 477A, the words "Court of Session, or Magistrate of the first class" shall be substituted;

(30) for the entry in column 8, against section 494, the words "Court of Session, or Magistrate of the first class" shall be substituted; and, for the entry in the same column, against section 495, the words "Court of Session" shall be substituted.

Amendment
of Schedule
III, Code
of Criminal
Procedure
1904

146. In Schedule III to the said Code,—

(i) under Head I (*Ordinary Powers of a Magistrate of the Third Class*)—

(1) in item (5), after the word "property" the words "and to dispose of claims to attached property" shall be inserted:

(2) item (13) shall be omitted:

(3) in item (14), after the word "detention" the words "not being detention in the custody of the police" shall be inserted:

(4) the following item shall be inserted between items (14) and (15), namely:—

"(14a) Power to postpone issue of process and inquire into case himself, section 202;"

(5) to item (18) the words, figures and letter "and to require fresh security, section 514A" shall be added:

(6) After item (18) the following item shall be inserted namely:—

"(18a) power to make order as to custody and disposal of property pending inquiry or trial, section 516A;"

(7) in item (19) the word "perishable" shall be omitted;

(8) after item (19), the following items shall be added, namely:—

"(20) Power to require affidavit in support of application, section 539A;

(21) Power to make local inspection, section 539B;"

(ii) under Head II (*Ordinary Powers of a Magistrate of the Second Class*)—

(1) for item (3) the following item shall be substituted, namely:—

"(3) Power to postpone issue of process and to inquire into a case or direct investigation, section 202;"

(2) item (4) shall be omitted;

(iii) under Head III (*Ordinary Powers of a Magistrate of the First Class*)—

(1) in item (6), for the figures "126" the figures and letter "126A" shall be substituted;

(2) between items (6) and (7) the following item shall be inserted, namely :—

“(6a) Power to make orders as to local nuisances, section 133; ”

(3) between items (7) and (8), the following items shall be inserted, namely :—

“(7a) Power to record statements and confessions during a police investigation, section 164 ;

(7aa) Power to authorise detention of a person in the custody of the police during a police investigation, section 167 ; ”

(7b) Power to hold inquests, section 174 ; ”

(4) After item (9), the following item shall be inserted, namely :—

“(9a) Power to tender pardon to accomplice during inquiry into case by himself, section 337 ; ”

(5) after item (12), the following items shall be inserted, namely :—

(12a) Power to require fresh security, section 514A ;

(12b) Power to re-call case made over by him to another Magistrate, section 528 (4) ; ”

(6) after item (13), the following item shall be added, namely :—

“(14) Power to order released convicts to notify residence, section 565 ; ”

(iv) In Head IV (*Ordinary Powers of a Sub-Divisional Magistrate*)—

(1) in the head note, after the words “Sub-Divisional Magistrate,” the words “appointed under section 13” shall be inserted ;

(2) the following items shall be omitted, namely :—

“(4) Power to make orders as to local nuisances, section 133 ; ”

“(10) Power to hold inquests, section 174 ; ”

“(20) Power to order released convicts to notify residence, section 565 ; ”

(v) in Head V (*Ordinary Powers of a District Magistrate*)—

(1) after item (6) the following item shall be inserted, namely :—

“(6a) Power to order preliminary investigation by police officer not below the rank of Inspector in certain cases, section 196A ; ”

(2) in item (9), after the word ‘for’ the words “keeping the peace or” shall be inserted ;

(8) after item (9) the following item shall be inserted, namely:—

"(9a) Power to hear appeals from orders of Magistrates refusing to accept or rejecting sureties, section 406A; "

(4) in item (12), for the figures "436" the figures "437," and, in item (13), for the figures "437" the figures "436" shall be substituted, and items (12) and 13, shall be re-numbered (13) and (12), respectively.

Amendment
of Schedule
IV to the
Criminal
Procedure
Code,
1904.

147. In Schedule IV to the said Code,—

(i) from the list of powers with which a Magistrate of the first class may be invested by the Government, the following shall be omitted, namely:—

"(3) Power to make orders as to local nuisances, section 173; "

"(6) Power to hold inquests, section 174; "

"(11) Power to order released convicts to notify residence, section 565; "

(ii) from the list of powers with which a Magistrate of the first class may be invested by the District Magistrate, item 3, namely, "Power to hold inquests, section 174," shall be omitted;

(iii) in the list of powers with which a Magistrate of the second class may be invested by the Government—

between items (3) and (4) the following items shall be inserted, namely:—

"(3a) Power to record statements and confessions during a police investigation, section 164; "

"(3b) Power to authorise detention of a person in the custody of police during a police investigation, section 167; "

(iv) from the list of powers with which a Magistrate of the third class may be invested by the Government, the following shall be omitted, namely:—

"(2) Power to make orders under section 144; "

"(11) Power to commit for trial, section 206; "

and from the list of powers with which such Magistrates may be invested by the District Magistrate, the following shall be omitted, namely:—

"(2) Power to make orders under section 144."

148. In Schedule V to the said Code,—

(i) in Form VI—

a) in the ORDER OF ATTACHMENT TO COMPEL THE ATTENDANCE OF A WITNESS, for the words

"Proclamation was duly issued" the words "Proclamation has been or is being duly issued" shall be substituted, and the words "and he has failed to appear" shall be omitted;

(b) in the ORDER OF ATTACHMENT TO COMPEL THE APPEARANCE OF A PERSON ACCUSED, for the words "Proclamation was duly issued" the words "Proclamation has been or is being duly issued" shall be substituted;

(c) in the ORDER AUTHORISING AN ATTACHMENT BY THE DEPUTY COMMISSIONER for the words "Proclamation was duly issued" the words "Proclamation has been or is being duly issued" shall be substituted, and the words "but he has not appeared" shall be omitted;

(ii) in Forms X and XI, after the words "for the term of" wherever they occur, the words "or until the completion of the inquiry in the matter of now pending in the Court of" and after the words "said term" wherever they occur, the words "or until the completion of the said in-quiry" shall be inserted;

(iii) in Form XXX—

(a) in the heading for the word "DISTRESS" the words "ATTACHMENT AND SALE" shall be substituted;

(b) after the words "dismissed as" the words "false and" shall be inserted; and

(c) the words "and cannot be recovered by distress of the movable property of the said (name of complainant)" shall be omitted;

(iv) in Form XXXVII, after the figures "386" the figure, letter and brackets "(1) (a)" shall be inserted;

(v) in each of Forms XXXVII and XLI, the following amendments shall be made, namely:—

(a) in the heading, for the word "DISTRESS" the word "ATTACHMENT" shall be substituted;

(b) for the words "make distress by seizure of any" the words "attach any" shall be substituted;

(c) for the words "such distress" the words "such attachment" shall be substituted; and

(d) for the words "property distrained" the words "property attached" shall be substituted;

(vi) after Form XXXVII the following Form shall be inserted, namely :—

XXXVII A.—BOND FOR APPEARANCE OF OFFENDER
RELEASED PENDING REALISATION OF FINE.

(See section 388.)

WHEREAS I, (name), inhabitant of (place), have been sentenced to pay a fine of rupees and in default of payment thereof to undergo imprisonment for ; and whereas the Court has been pleased to order my release on condition of my executing a bond for my appearance on the following date (or dates), namely :—

I hereby bind myself to appear before the Court of at o'clock on the following date (or dates) namely :—

and in case of making default herein, I bind myself to forfeit to His Highness the Maharaja of Mysore, the sum of Rupees

Dated this day of 19

(Signature.)

Where a bond with sureties is to be executed, add,—

We do hereby declare ourselves sureties for the above-named that he will appear before the Court of on the following date or dates, namely :—

and, in case of his making default therein, we bind ourselves jointly and severally to forfeit to His Highness the Maharaja of Mysore the sum of Rupees

(Signature.)

Repeal of
section 89,
Court Fees
Regulation
1900, Com-
mencement.

149. Section 89 of the Court-fees Regulation, 1900, is hereby repealed.

150. This Regulation shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

REGULATION VII OF 1927.

**The Mysore Religious and Charitable Institutions
Regulation, 1927.**

*(Received the assent of His Highness the Maharaja
on the Nineteenth day of March 1927.)*

Preamble.—Whereas it is expedient to consolidate and amend the law relating to Muzrai and other Religious and Charitable Institutions in Mysore, it is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Religious and Charitable Institutions Regulation, 1927. Short title,
commence-
ment, extent.

(2) It shall come into force from 1st April 1927.

(3) It extends to the whole of Mysore:

Provided that the Government may, by notification in the Official Gazette, direct that this Regulation, or any part thereof, shall not extend to any specified Religious or Charitable Institution or to any specified class of such institutions.

2. In this Regulation, unless there be anything repugnant in the subject or context:— Definitions.

(1) "Religious or Charitable Institution" includes an endowment for the carrying out of any religious or charitable object.

(2) "Muzrai Institution" means and includes:—

(i) every *Matha*, temple, mosque or other place of worship or religious service, every *chatra* or house of feeding or rest for travellers with or without charge, or other institution of a religious or charitable nature, which is now actually in the sole charge of Government or for the support of which any monthly or annual grant in perpetuity is made from the public revenues, or an *inam* is granted and is recognised and registered as a *devadaya* or *dharma-daya* grant;

(ii) every institution of a religious or charitable nature which, under the provisions of this Regulation, may

be taken under the sole management of Government so long as it remains under such management.

(3) "Muzrai Officer" shall mean the Deputy Commissioner of the District in which any religious or charitable institution or the whole or any part of the property thereof is situate, and shall include an Assistant Commissioner in charge of a taluk or taluks to whom the power of a Muzrai Officer under any of the sections of this Regulation may be delegated by the Government in respect of the taluk or taluks comprised in his charge.

CHAPTER II.

CONTROL AND MANAGEMENT OF MUZRAI INSTITUTIONS.

Chief
Controlling
authority

3. The Chief Controlling Authority in all matters connected with Muzrai Institutions is vested in the Government.

Muzrai Com-
missioner.
His duties
and powers.

4. The Government may appoint an officer to be called the Muzrai Commissioner and may, from time to time, impose and confer upon him such duties and powers of appeal, superintendence and control, as they may think fit, in respect of all or any particular class of Religious and Charitable Institutions.

Deputy Com-
missioners,
Assistant
Commission-
ers and
Amildars.
Their duties
and powers

5. Subject to such rules and conditions as the Government may prescribe, the Deputy Commissioner of the District shall be the immediate controlling authority in respect of all the Muzrai institutions in the district and subject to his authority the Assistant Commissioner in charge of a Revenue Sub-Division or the Amildar of a taluk may perform such duties and exercise such powers as may be imposed and conferred upon them by any special or general orders of the Government.

Appointment
of Dharm-
adarsis and
Nazarins

6. The Government may appoint Dharmadarsis or Nazarins of wakfs, as the case may be, to manage the affairs of one or more Muzrai Institutions and, by rules framed in this behalf, determine the manner of selection, fix the term of office and regulate the powers and duties of such Dharmadarsis and Nazarins.

The Government may delegate to the Muzrai Commissioner or the Deputy Commissioner, the power of appointing Dharmadarsis or Nazarins of wakfs in respect of any institution or class of institutions.

Appointment
of committee
for the

7. In addition to or in lieu of Dharmadarsis and Nazarins appointed under Section 6, the Government may,

subject to such rules as they may frame in this behalf, appoint a Committee of persons chosen, by election or otherwise, for the management of one or more Muzrai Institutions. management of Muzrai Institution

8. Notwithstanding anything to the contrary contained in any Regulation or other enactment in force in Mysore, the Government may also at any time, with the consent of a Local Authority, transfer to such Authority the management of any Muzrai Institution situated within the local limits of its jurisdiction, subject to such limitations as the Government may prescribe in this behalf. In every such case the funds provided for the management of such institution shall be placed at the disposal of the Local Authority concerned. Transfer of management of Muzrai Institutions to Local Authority.

9. (1) No alienation or transfer by way of sale, gift, mortgage or otherwise of any Inam land granted by the Government to any Muzrai Institution for its upkeep or for the maintenance of any person rendering service in connection therewith and no act purporting to create any interest adverse to such institution in respect of such land, shall be valid unless it is authorised by the general or special orders of the Government. Unauthorized alienations or transfer of Inam land granted to Muzrai Institution.

(2) No lease of a property belonging to a Muzrai Institution for a term exceeding five years shall be valid unless previously approved by the Government or by such officer as may be empowered by the Government in this behalf.

10. Whenever any alienation, transfer or other act in respect of Inam lands which is not valid under the provisions of Section 9, comes to the knowledge of a Muzrai Officer, he may after such enquiry as he may deem necessary, issue notice to the alienee or the party in possession to restore such lands to the institution to which they belong within six months from the date of service of such notice and in default of compliance, the Muzrai Officer may summarily resume and restore such lands to the said institution: Muzrai Officer's powers in cases of unauthorized alienation or transfer.

Provided that alienations made prior to the 31st day of January 1853 shall be dealt with in accordance with the Inam Rules contained in Chief Commissioner's Notification No. 256, dated the 17th November 1877:

Provided further that where a person has had adverse possession of a property for a period of twelve years before the passing of this Regulation, the Muzrai Officer shall cancel the inam tenure and impose the full assessment due

to the Government under the provisions of the Land Revenue Code or cancel the tenure and direct the assessment recovered to be handed over for the benefit of the institution concerned.

Suits on
behalf of
Muzrai
Institutions.

11. Whenever it is deemed necessary to institute a suit on behalf of any Muzrai Institution, the Muzrai Officer may file a suit himself or authorise any two or more Dharmadarsis, Nazarins or other persons having an interest in such institution to do so and such suit shall be entertained and disposed of by the Civil Court having jurisdiction over the subject matter of the suit as if it was filed under the provisions of Order XXXI of the Civil Procedure Code.

Arrears of
rent, etc.,
due to a
Muzrai
Institution
recoverable
as arrears of
land revenue.

12. Arrears of rent or revenue due to a Muzrai Institution in respect of property belonging to that institution may be recovered by the officers empowered to recover revenue due to the Government and in the same manner as arrears of land Revenue due to the Government :

Provided that the said arrears of rent or revenue shall not relate to a period more than six years prior to the institution of proceedings under this Regulation.

CHAPTER III.

PUBLIC, RELIGIOUS AND CHARITABLE INSTITUTIONS OTHER THAN MUZRAI INSTITUTIONS.

Reference by
the Muzrai
Officer to
District
Judges in
case of
dispute.

13. Whenever a dispute arises as to whether any charitable or religious trust has been actually created in respect of any institution, the Muzrai Officer may, with the sanction of the Government, make a reference to the Court of the District Judge in whose jurisdiction the institution or the greater part of the property thereof is situated.

Management
of a Muzrai
Institution by
Government.

14. The Government may undertake either temporarily or permanently the management of a public, religious or charitable institution in respect of which a trust is created—

- (a) When the creator of the trust so desires, or
- (b) When the person in actual management or appointed manager or trustee,
 - (i) disclaims, or
 - (ii) dies, or

(iii) is for a continuous period of six months absent from Mysore without making proper arrangement for its management, or

(iv) leaves Mysore for the purpose of residing abroad, or

(v) is declared an insolvent, or

(vi) desires to be discharged from the trust, or

(vii) refuses to act in the trust, or

(viii) becomes in the opinion of the principal civil court of original jurisdiction, unfit or personally incapable to act in the trust, or

(ix) accepts an inconsistent trust, and there is no custom, usage, or provision in the instrument of trust or express or implied reservation by the creator of the trust, for the management of the trust under such circumstances.

15. The letter of reference shall be registered and disposed of by the Court in the same manner as a suit between the Muzrai Officer as plaintiff and the parties in possession of the property or opposing the contention of the Muzrai Officer as defendants except that the plaintiff shall not be liable to pay any Court fees in respect of the proceedings following on the reference.

Disposal
of the
references.

16. In disposing of references and suits under the foregoing section, the Court shall have full power to apportion and award costs either against the parties or against the estate in dispute.

Award and
apportion-
ment of cost.

17. When it is brought to the notice of the Muzrai Officer that any religious or charitable institution dedicated for the benefit of the public or a defined section of the public or any property pertaining thereto is being grossly mismanaged, he may institute an enquiry into the truth of the allegations against the persons in possession and management of the property or the institution.

Enquiry
regarding
mismanage-
ment of the
property of a
religious or
charitable
institution.

18. If it is proved that there has been gross mismanagement of the institution or of any property pertaining thereto or any misapplication or misappropriation of any part of the property, or any breach of trust in respect thereof, the Muzrai Officer may, with the previous sanction of the Government,

Order by
Muzrai
Officer in
such cases.

(1) take the institution under the management of Government;

(2) order that the property which has been mismanaged or misappropriated shall be delivered back either

to the institution or to the possession of the Government on behalf of the institution ;

(3) obtain security for the proper performance of the trust or management of the property ;

(4) frame a scheme for the proper management of the institution or management of its property and the application thereof ; and

(5) pass such other ancillary or necessary orders as the case may require in accordance with justice and equity.

Procedure in
case of
wrongful
alienation of
property or
of religious or
charitable
institution.

19. (1) Where property belonging to a religious or charitable institution has been wrongfully alienated or transferred by way of sale, barter, mortgage, lease or otherwise the Muzrai Officer may, within six years from the date of such alienation or transfer, give notice to the alienee or transferee and hold a summary enquiry in accordance with the provisions of Chapter XII of the Mysore Land Revenue Code and direct that possession of such property be restored to the institution or that the Government assume possession thereof on behalf of the institution ;

(2) When property belonging to a religious or charitable institution is taken possession of by the Government under sub-section (1) it shall be subject to the same incidents as property belonging to a Muzrai Institution so long as it continues to be in the possession of Government.

Failure of
the object of
the trust.

20. Where the whole or part of the objects of religious or charitable trust has failed, the Muzrai Officer may, subject to such general rules or special orders as the Government may have issued, after notification in the Official Gazette and hearing such parties as may appear in an enquiry, pass an order directing that the property or the proceeds thereof in respect of which the object has failed, may be utilised for some object of a similar nature, and may frame a scheme for administration thereof.

Suit by a
person
aggrieved by
an order
under
Sections 18,
19 or 20.

21. Any person who is aggrieved by an order of the Muzrai Officer passed under Sections 18, 19 or 20 may, within six months from the date on which such order is communicated to him, file a suit in the Court of the District Judge, in whose jurisdiction the greater part of the property is situate, for cancellation of such order, making the Muzrai Officer one of the defendants.

If no such suit has been filed or if it has been filed and dismissed by the Court, the Muzrai Officer, may,

after the lapse of six months from the date of the communication of his original order or after the dismissal of the suit as the case may be, execute his order and may exercise for that purpose all the powers of a Civil Court in executing decrees :

Provided that in cases in which the property to be disposed of under Section 20 exceeds Rs. 3,000 in value or the annual income thereof is more than Rs. 300 in value, the sanction of Government shall have been obtained for the order.

22. The Government shall have power to make rules directing that persons in charge of religious or charitable institutions shall —

Power to make rules for the maintenance of accounts, etc., by persons in charge of religious and charitable institutions.

- (a) keep regular accounts of income and expenditure,
- (b) submit such returns and supply such information as may be necessary,
- (c) allow such inspection and verification as may be necessary ;

and may, by said rules, prescribe a penalty not exceeding Rs. 100 for any infraction thereof and the method by which it may be enforced.

23. All moneys belonging to a public, religious or charitable institution and not required for immediate use shall be invested in the Government Savings Bank, or in any of the following securities, and in no others, viz. :—

Investment of trust money.

(a) In promissory notes, debentures, stock or other securities of the Government of Mysore or of the Government of India or in securities guaranteed by the Government of Mysore ;

(b) In stock or debentures of, or shares or as deposits in, Railway or other Companies or Co-operative Societies approved by the Government ;

(c) In any other security expressly authorised by the Instrument of Trust or approved by the Government ;

(d) On the purchase or on the first mortgage of immovable property situated in Mysore ; provided that in the latter case the property is not a lease-hold for a term of years and that the value of the property exceeds by one-half, or if it consists of buildings exceeds by three-fourths, the mortgage money.

CHAPTER IV.

MATHAS AND SIMILAR INSTITUTIONS.

Exemption of Mathas from the operation of the foregoing provisions.

24. The provisions of Chapters II and III shall not apply to Mathas and other institutions of a similar nature or to the property belonging to them which are in the possession of Mathadipathis or other persons entitled by law or general or particular usage to exercise powers of management or ownership.

When management of Mathas may be assumed by Government.

25. The Government may take over the possession and management of the property of any Matha or other institution of a similar nature,

(1) When the Mathadipathi or the head of such other institution voluntarily applies for such help and places the institution or its property under the management of the Government;

(2) When he is dead or has left the country and has not been heard of for more than seven years and has not made legal and satisfactory arrangements for the carrying on of the ordinary business of the institution and there is no successor duly appointed, according to law or custom applicable to succession to the office;

(3) When he is a minor without a duly appointed guardian, fit and willing to act as such, or is by reason of physical or mental infirmity unable to manage the affairs of the institution:

Provided that such management shall cease—

(1) on the termination of the period of the agreement,

(2) when a successor is duly appointed and is competent to manage the property,

(3) when the minority or other disqualification mentioned above terminates.

Enquiry by a Committee into allegation of mismanagement.

26. When on complaint made or information furnished in writing by disciples or other persons interested in any Matha or other similar institution, the Government has reason to believe that the Mathadipathi or the head of such other institution has been grossly mismanaging the property of the institution or has alienated or is attempting to alienate the whole or any part of such property for improper purposes, the Government may order an enquiry by a Committee of not less than three persons, one at least of whom shall, whenever possible, be a disciple of or a person interested in, the Matha or other institution as

the case may be, provided he is not a whole-time servant of the Government.

27. On the completion of the said enquiry the Committee shall submit a report of the result thereof to the Government; and the Government may thereupon take over the management of the institution or pass such orders as may be deemed fit concerning the management of the affairs and property of the institution.

Report of the
Committee
and orders of
Government
thereon

28. When any Matha or other similar institution has come under the management of the Government under the provisions of this chapter, it shall be competent to the Government to exercise all the powers possessed by the Mathadipathi or head of such other institution for the management of the institution and its property including power to arrange for the proper performance of the customary religious and charitable services.

Powers of
Government
regarding
Institutions
under their
management

29. Whenever any Matha or other similar institution has come under the management of the Government, due provision shall be made from the income of the institution for—

Application
of income of
Institutions
under Gov-
ernment
management

(1) the proper maintenance of the Mathadipathi or the head of such other institution and his establishment, if any,

(2) the performance of the customary religious and charitable services, and

(3) the preservation and proper management of the property belonging to the Matha or other similar institution and it shall be competent for the Government to utilise the surplus income of the institution on objects of charity or for the encouragement and the spread of religious instruction according to the tenets of the institution.

30. Where any inam land is granted by the Government for the upkeep of any Matha or other similar institution the Mathadipathi or the head of such other institution shall not alienate such land and all such alienations unless made with the previous sanction of Government, shall be null and void.

Unauthorized
alienation of
Inam lands
granted to the
Institution by
Government.

In cases of alienation in contravention of the foregoing provision, the Muzrai Officer may, after enquiry, issue notice to the alienee or party in possession to restore the lands to the Matha or other similar institution to which they belong within six months from the date of service of the said notice and in default of compliance the lands may be summarily resumed by him and restored to the Matha or other similar institution:

Provided that alienations made prior to the 31st day of January 1853 shall be dealt with in accordance with the Luam Rules contained in the Chief Commissioner's Notification No. 266, dated the 17th November 1877.

Application of the chapter to similar religious institutions.

31. The provisions of this chapter shall apply to religious institutions presided over by sajjadas and other institutions of a similar nature.

CHAPTER V.

PUJARIES AND OTHER HEREDITARY SERVANTS OF MUZRAI INSTITUTIONS.

Enquiry into the claims to the office of a Pujari or other servant of a Muzrai Institution.

32. When there is a dispute about the office of a Pujari, or other servant of a Muzrai institution which by law or usage descends by hereditary right, the Amildar or the Revenue Sub-Division Officer of the taluk in which the institution is situated, as the Muzrai Officer may direct, shall hold an enquiry in the presence of the parties interested and record statements and evidence relevant to the case.

Decision by Deputy Commissioner or Assistant Commissioner.

33. The Muzrai Officer shall, on receipt of the record of enquiry, make such further enquiry as he thinks necessary and decide the case on its merits.

No temple office or service in a Muzrai Institution to be hereditary, except under certain circumstances.

34. No office or service in a Muzrai Institution shall be deemed to descend by hereditary right unless it has been conferred or recognised originally with an express stipulation to that effect in writing by a competent authority or has been held successively by three generations of the same family in succession in due legal course.

Appointment of a Pujari or other officer in a Muzrai institution.

35. Where there is no claimant entitled to succeed to the office of a Pujari or other office in a Muzrai Institution, the Muzrai Officer may appoint any other person competent for such office.

Removal of a Pujari at the instance of Bhaktas.

36. Where a majority of not less than three-fourths of the devotees of a Muzrai temple resident in the village or town in which the temple is situated object to the employment as Pujari of a person claiming by hereditary right, such person shall be removed from office, provided that the objectors pay to the claimant such amount by way of compensation as may be fixed by the Muzrai Officer.

CHAPTER VI.

MISCELLANEOUS.

37. The enquiry referred to in Sections 10, 17, 20, 26 and 30 shall be conducted in manner prescribed for a formal enquiry under the Mysore Land Revenue Code, after issue of notices to the parties interested and the Muzrai Officer or other person or persons holding enquiry shall have all the powers of a Revenue Officer empowered to conduct such formal enquiry.

Mode of
enquiry re-
ferred to in
Sections 10,
17, 20, 26
and 30.

38. (1) Every order passed under this Regulation by a Muzrai Officer which is not liable to be set aside by a suit filed under any of the provisions of this Regulation, shall be subject to appeal to the Muzrai Commissioner:

Appeal.

Provided that when the order is passed by an Assistant Commissioner exercising the powers of a Muzrai Officer, it will be appealable in the first instance to the Deputy Commissioner.

(2) An appeal will lie to the Government against every order passed by the Muzrai Commissioner under this Regulation.

(3) The Government may at any stage, withdraw any appeal or proceeding pending before the Muzrai Commissioner and dispose of the same or re-transfer the same for disposal to the Muzrai Commissioner.

(4) The Government may transfer to the Muzrai Commissioner for disposal all or any of the appeals that may be pending before them when this Regulation comes into force.

(5) No appeal shall be brought after the expiration of thirty days if the decision or order complained of have been passed by an officer inferior in rank to a Deputy Commissioner, nor after the expiration of ninety days in any other case.

In computing the above periods, the time required to prepare a copy of the decision or order appealed against shall be excluded.

39. The Government, or the Muzrai Commissioner or any Muzrai Officer may call for and examine the records of any enquiry or the proceeding of any officer subordinate to it or him for the purpose of satisfying as to the legality or propriety of any decision or order passed, and as to the regularity of proceedings of such officer.

Revision.

If, in any case, it shall appear to the Government or to such officer as aforesaid that any decision or order or

proceedings should be modified, annulled or reversed, the Government or such officer may pass such order thereon as may be deemed fit.

Bar of jurisdiction of Civil Courts in cases falling under the Regulation

40. In all matters in which a Muzrai Officer, the Muzrai Commissioner or the Government, has power to pass any order or to take any action under this Regulation, Civil Courts shall exercise jurisdiction only to the extent allowed by this Regulation.

Suit under section 92, Civil Procedure Code not barred.

40A. Any order passed under this Regulation or the rules issued thereunder by a Muzrai Officer or by the Government shall not bar a suit under the provisions of Section 92 of the Code of Civil Procedure, 1911.

Rules.

41. Government may frame rules not inconsistent with this Regulation—

(1) defining the powers and duties of Amildars and Assistant Commissioners in charge of the Revenue Sub-Divisions in respect of Muzrai Institutions, in their respective jurisdictions,

(2) defining the powers and duties of Dharmadarsis and Nazarins of wakfs,

(3) regulating the appointment of Muzrai servants to the various institutions and defining their duties,

(4) prescribing the scale of expenditure of the Muzrai Institutions,

(5) regulating the investment of surplus funds of Muzrai Institutions, and

(6) generally to carry out the purposes of this Regulation.

42. The Mysore Muzrai Regulation, VI of 1913, is hereby repealed.

REGULATION VIII OF 1927.

A Regulation further to amend the Mysore Municipal Regulation, VII of 1906.

(Received the assent of His Highness the Maharaja on the 7th day of April 1927.)

Whereas it is expedient further to amend the Mysore Municipal Regulation, 1906, it is hereby enacted as follows:—

1. This Regulation may be called the Mysore Municipal (Amendment) Regulation, 1927.

2. After the definition of "Councillor" in clause (2) of Section 3, the following definition shall be added:—

"(2a) 'the whole number' shall mean when used with reference to the Councillors of a Municipal Council, the total number of Councillors holding office at the time.'

3. At the end of Sub-Section (1) of Section 15, add the following para, *viz*,—

"If any person is elected or nominated as a Councillor in contravention of the above provisions, his seat shall be deemed to be vacant."

4. After Sub-Section (2) (b) (ii) of Section 15 add the following:—

"(iii) in which he is engaged at the time in any proceeding against the Municipal Council or."

5. After sub-clause (e) of Sub-Section (2) of Section 15, add the following:—

"(f) fails to pay any arrears of any kind due by him to the Municipal Council within three months after a special notice in this behalf has been served upon him."

6. The following shall be inserted for Section 15A:

"A Councillor or a Vice-President may resign his office by giving notice in writing to that effect to the President and such resignation shall take effect from the date of the notice. The President may resign his office by giving a notice in writing to that effect, to the Government in the case of City Municipalities and to the Deputy Commissioner in the case of other Municipalities. If such resignation is accepted it shall take effect from the date on which the intimation of such acceptance reaches the office of the President.

Resignation
of office by
Councillor,
Vice-President
and
President.

Amendment
of section 15
(2).

7. The following para shall be added to Section 15 (2):—

“A Councillor whose office has become vacant under this sub-section shall, if his disability has ceased, be eligible for re-election or re-appointment.”

Amendment
of section 22
clause (5).

8. After clause (5) of Section 22, add the following:—

“*Explanation:* The expression ‘error’ in this clause does not include any breach of or any omission to carry out or any non-compliance with the provisions of this Regulation or Rules made thereunder whereby the result of election has been materially affected.”

Amendment
of section 22
(6).

9. At the end of sub-section (6) of Section 22 after the word “conclusive” add the following:—

“Provided that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration should not be made.”

Amendment
of section 23.

10. After sub-section (7) of Section 23, the following sub-section shall be inserted as Sub-Section (8), the existing Sub-Sections (8), (9) and (10) being re-numbered:—

“(8) The Government may remove any elected or nominated President or Vice-President, if a resolution for such removal is passed by three-fourths of the whole number of Councillors of the Municipal Council at a meeting specially convened in that behalf.

Amendment
of section 26
(3).

11. In sub-section (3) of Section 26 after the word “notice” when it occurs a second time, insert the following—

“or in cases of great urgency notice of such shorter period as is reasonable.”

Amendment
of section 26
B (2).

12. After the word “President” in sub-section (2) of Section 26B the words “and to move resolutions” shall be added.

Amendment
of section 27
(2).

13. In clause (b) of proviso to sub-section (2) of Section 27, the figures “29 or 29A” shall be substituted for the figure “299.”

Amendment
of section 36
(2).

14. For sub-section (2) of Section 36, the following shall be substituted:—

“(2) Every order passed by a Managing Committee or by a Committee appointed under Sections 28 and 29 or 29A, other than orders under sub-section (3) of Section 65, shall be subject to revision by, and open to appeal to, the Municipal Council in accordance with rules that may be framed by the Municipal Council in this behalf.”

15. (1) In Section 37, the words "rules that may be framed" shall be substituted for the words "rules to be made."

Amendment
of section 37.

(2) In the same section, the figures and word "29 or 29A" shall be substituted for the word and figure "or 29."

16. After sub-section (1) of Section 38, add the following para:—

Amendment
of section 38
(1).

"No resolution of a Municipal Council or of any Committee appointed under this Regulation shall be deemed invalid on account of any irregularity in the service of notice upon any Councillor or member, provided that the proceedings of the Municipal Council or Committee were not prejudicially affected by such irregularity."

17. In clause (a) of sub-section (1) of Section 48, the words "all public places used for the sale of articles" shall be inserted after the word "markets."

Amendment
of section 48
(1).

18. After clause (l) of Sub-Section (1) of Section 48, the following shall be inserted:—

Amendment
of section 48
(1).

"*Explanation*: Sources and means of water-supply shall include private wells which are used by the public."

19. After Section 81A, the following section shall be inserted as Section 81B:—

Insertion of a
new section
81 B.

"81B. The Government may in any particular case issue such orders as it may deem fit for determining in the case of neighbouring local authorities, which local authorities shall be in charge of particular toll stations, and how much of the revenue realised by one local authority from a toll station or toll stations in its charge shall be paid to another neighbouring local authority."

Government
to issue orders
in the matter
of collection
of tolls by
neighbouring
local
authorities.

20. After Section 84A, insert the following section,
viz.—

84B. (1) If the Municipal Council shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this Chapter is due or is about to become due, is about to remove from the Municipal area, the Municipal Council may cause a bill for the sum due or about to become due, to be presented to such person and demand immediate payment thereof.

Recovery of
Municipal
claims from
person about
to remove
from the
Municipal
area.

(2) If, on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the movable property of the defaulter in the manner hereinbefore prescribed, except that it shall not be necessary to serve upon the defaulter any notice of demand and the Municipal Council's warrant for distress

Insertion of a
new section
126 A.

Precaution
against dogs
in streets
biting;
disposal of
unclaimed
dogs.

21. After Section 126, insert the following section
viz.—

“126A. (1) The Municipal Council may by public notice require that every dog while in the streets and not being led by some person shall be muzzled in such a way as to allow the dog freely to breathe and to drink, while effectually preventing it from biting.

(2) Subject to the provisions of sub-section (3), the Municipal Council may take possession of any dog found wandering unmuzzled in any public place and may either detain such dog until its owner has claimed it, has provided a proper muzzle for it and has paid all the expenses of its detention, or cause it to be destroyed.

(3) When a dog which has been detained under the last preceding sub-section is wearing a collar with the owner's name and address thereon, such dog shall not be destroyed until a letter stating the fact that it has been so detained has been sent to the said address, and the dog has remained unclaimed for 3 clear days; provided that any dog, which is found to be rabid may be destroyed at any time.

(4) Any unclaimed dog and any dog, the owner of which refuses to pay all the expenses of its detention, may be sold or destroyed, after having been detained for the said period of 3 clear days.

(5) All expenses incurred by the Municipal Council under this section may be recovered from the owner of any dog which has been taken possession of or detained in the manner provided by Chapter VIII.”

Amendment
of section 142.

22. After sub-section (2) of Section 142, the following new sub-section (3) shall be inserted, the existing Sub-Section (3) being re-numbered as (4):—

Sale of
adulterated
ghee prohibi-
ted.

“(3) It will be open to a Municipal Council, subject to the approval of Government, to set apart any stall or specified locality for the sale of ghee and in such stall or specified locality, no ghee shall be sold or exposed for sale that is adulterated with any other substance.

Whoever sells or exposes for sale adulterated ghee in any stall or locality so set apart shall, on conviction before a Magistrate, be punished with fine which may extend to Rs. 100 and the Magistrate may cause such ghee to be destroyed or to be so disposed of as to prevent its being exposed for sale in such stall or locality.”

Amendment
of section 144.

23. In clause (d) of sub-section (2) of Section 144, after the words “signed by,” the following words shall be inserted:—

"the Health Officer of the Municipal Council or "

24. After the word "fumes" in clause (o) of Section 151, the words "or soot" shall be inserted. Amendment of section 151 clause (o).

25. After sub-section (2) of Section 165, insert the following :— Amendment of section 165.

"(3) The Municipal Fund shall be liable to pay the expenses of any civil proceeding prosecuted or defended on behalf of the Municipal Council."

26. After Section 169, insert the following Section Insertion of a new section 169 A.
viz.—

"169A. Accounts of the receipts and expenditure of every Municipal Council shall be kept in accordance with the Municipal Account Manual subject to such modifications as the Government may in each case direct."

27. After Section 176, insert the following Section, Insertion of a new section 176 A.
viz.—

"176A. (1) The Government may order an inquiry to be held by any officer appointed by it in this behalf into any matters concerning the Municipal administration of any Municipal area or any matters with respect to which its sanction, approval or consent is required under this Regulation."

(2) The officer holding such inquiry shall, for the purpose thereof, have the powers which are vested in a court under the Code of Civil Procedure in respect of the following matters :—

- (a) discovery and inspection,
- (b) enforcing the attendance of witnesses and requiring the deposit of their expenses,
- (c) compelling the production of documents,
- (d) examining witnesses on oath,
- (e) granting adjournments,
- (f) reception of evidence taken on affidavit, and
- (g) issuing commissions for the examination of witnesses,

and may summon and examine *suo motu* any person whose evidence appears to him to be material; and shall be deemed to be a Civil Court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure, Regulation II of 1904.

Explanation: For the purpose of enforcing the attendance of witnesses, the local limits of such officer's jurisdiction shall be the limits of the Mysore State.

(3) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the officer holding the inquiry to such person and shall be deemed to be part of the costs.

(4) Costs shall be in the discretion of the Government and the Government shall have full power to determine by and to whom and to what extent such costs are to be paid, and to allow interest on costs at a rate not exceeding 6 per cent per annum; and such costs and interest shall be leviable as an arrear of land revenue.

Insertion of a
new section
179 A.

Disputes
between
Municipal
Councils and
other local
authorities.

28. After Section 179, the following new section shall be inserted:—

“179A. If any dispute for the decision of which this Regulation does not otherwise provide exists between a Municipal Council and one or more other local authorities in regard to any matters arising under the provisions of this or any other Regulation and the dispute is not amicably settled,

(a) the Deputy Commissioner may take cognizance of the dispute and decide it himself if it is between two or more Town or Minor Municipal Councils in the same district or between a Town or Minor Municipal Council and a Village Panchayet in the same district and his decision shall be final; and

(b) in all other cases, the matter shall be referred to the Government who may take cognizance of the dispute and decide it and the decision of the Government shall be final.”

Amendment
of section
186 L.

29. In Section 186L,

(a) for the word “Sub-Sections,” the word “provisions” shall be substituted;

(b) for the words and figures “Sub-Section (1) of Section 151” the word and figure “Section 151” shall be inserted; and

(c) for the words and figures “Sub-Section (c) of Section 186J” the words and figures “clause (c) of Sub-Section (1) of Section 186J” shall be inserted.

30. *Transitory provision.*—Such of the elected Presidents and Vice-Presidents as are in office on the date on which this Regulation comes into force shall continue as such during their term of office as Councillors.

REGULATION IX of 1927.

A Regulation to amend the Mysore Weights and Measures Regulation, 1902.

(Received the assent of His Highness the Maharaja on the 11th day of April 1927.)

Whereas it is expedient to amend the Mysore Weights and Measures Regulation, 1902, it is hereby enacted as follows:—

1. For Sections 2 and 3 of the Mysore Weights and Measures Regulation, 1902, hereinafter referred to as the said Regulation, the following sections shall be substituted:—

2. (1) "The Government may from time to time, by notification in the Official Gazette, prescribe either generally for Mysore or for any specified part thereof, the standards of weight and measure of capacity that shall be followed therein.

Standards of weight and measure of capacity.

(2) Copies of standards prescribed as aforesaid shall be kept in the Office of the Inspector-General of Police, in the offices of the Deputy Commissioners of Districts and in such other offices as may, from time to time, be prescribed by the Government and shall at all reasonable times be available for public inspection.

3. The Government may, by notification in the Official Gazette, direct that, after a date to be fixed therein, only certified weights or measures of capacity or both shall be used in all dealings and contracts in any specified area and may in like manner alter or revoke such direction.

Use of certified weights and measures of capacity.

Provided that such direction shall not apply to dealings and contracts effected otherwise than by weight or measure of capacity and those based on the British, the Metric, the Indian Railway or any other system of weight or measure of capacity for the exclusion of which provision is made in the rules."

3A. "The Government may make rules to regulate the following matters:—

Rules.

(a) the shapes, dimensions and designations of all or any of the weights and measures of capacity that may

be permitted to be used and the materials of which the same shall be made ;

(b) the method of testing weights and measures of capacity and of certifying to their correctness by means of stamping or otherwise and the fees to be levied therefor ; and

(c) the agency to be employed, the powers and duties of such agency and generally any other matters connected with the carrying out of the purposes of this Regulation."

Amendment
of Section 4

2. For the word and figure "Section 3" in Section 4 of the said Regulation, "Section 2 (2)" shall be substituted.

3. After Section 4 of the said Regulation, the following new sections shall be inserted :—

Penalty for
use of
uncertified
weight or
measure of
capacity.

5. "Whoever uses any weight or measure of capacity in contravention of the provisions of Section 3 shall, on conviction by a Magistrate specially empowered in this behalf, be punishable with fine which may extend to Rs. 50 and for every such subsequent use with fine which may extend to Rs. 100."

Penalty for
counterfeiting
mark of
certification

6. Whoever knowingly counterfeits any mark prescribed by the rules for certification under Section 3 shall, on conviction by a Magistrate specially empowered in this behalf, be punished with imprisonment for a term which may extend to three years and shall also be liable to fine."

REGULATION X OF 1927.

A Regulation to provide for the Preparation and Maintenance of a Record of Rights in the lands of the Mysore State.

(Received the assent of His Highness the Maharaja on the 13th day of April 1927.)

Whereas it is expedient to provide for the preparation and maintenance of a record of rights in the lands of the Mysore State in addition to any registers prescribed by or under the Mysore Land Revenue Code, 1888, and to amend the Code of Civil Procedure, and make other provisions in relation thereto, it is hereby enacted as follows:—

1. (1) This Regulation may be called the Mysore Land Record of Rights Regulation, 1927. Short title.

(2) The Government may, by notification in the *Mysore Gazette*, direct that this Regulation or any specified provisions thereof shall apply to any specified local area or with reference to any lands or any class of villages or lands or generally, and from such date as may be specified. Provided that the provisions of Sections 11 and 13 shall apply in respect of a village only after the expiry of two years from the date of the notification in the *Mysore Gazette* referred to in sub-section (2) of Section 4. Extent.

2. Where the provisions of this Regulation have been applied, such of the provisions of the Mysore Land Revenue Code or any other enactment as are inconsistent with the provisions of this Regulation shall be deemed to be modified to the extent to which they are so inconsistent. Modification of the provisions of the Land Revenue Code in areas to which this Regulation is extended.

3. In this Regulation, unless there is anything repugnant in the subject or context— Definitions.

Definitions.—(a) the words “Revenue Officer,” “Deputy Commissioner,” “Amildar,” “Deputy Amildar,” “Alienated,” “Taluk,” and “District,” shall be deemed to have the meaning respectively assigned to them by the Mysore Land Revenue Code, 1888, as from time to time amended;

(b) “Certified copy” or “Certified extract” means a copy or extract, as the case may be, certified in the

manner prescribed by Section 76 of the Indian Evidence Act, 1872;

(c) "Chavadi" includes in any village in which there is no Chavadi, such place as the Deputy Commissioner may direct, shall be deemed to be the Chavadi for the purposes of this Regulation;

(d) "to hold land" or to be a "land-holder" or "holder" of land means to be lawfully in possession of land, whether such possession is actual or not;

(e) "holding" means a portion of land held by a holder;

(f) the term "joint holders" or "joint occupants" means holders or occupants who hold land as co-sharers, whether as co-sharers in a family undivided according to Hindu Law or otherwise, and whose shares are not divided by metes and bounds; and where land is held by joint holders or joint occupants, "holder" or "occupant" as the case may be, means all of the joint holders or joint occupants;

(g) "Landlord" means a lessor;

(h) "Land records" means records maintained under the provisions of, or for the purposes of, this Regulation and the Land Revenue Code;

(i) "occupation" means possession;

(j) "to occupy land" means to possess or take possession of land;

(k) "Occupant" means a holder in actual possession of unalienated land, other than a tenant; provided that where the holder in actual possession is a tenant, the landlord or superior landlord, as the case may be, shall be deemed to be the occupant;

(l) "occupancy" means a portion of land held by an occupant;

(m) "Sub-Taluk" means a defined portion of a Taluk placed under the charge of a Deputy Amildar;

(n) "Superior holder" means a land-holder entitled to receive rent or land revenue from other land-holders (hereinafter called "inferior holders"), whether he is accountable or not for such rent or land revenue or any part thereof, to Government; provided that where land has been granted free of rent or land revenue, subject to the right of resumption, in certain specified contingencies, by a Jahgirdar, Inamdar or such other holder of alienated land whose name is authorisedly entered as such in the land records, such Jahgirdar, Inamdar or holder shall, with

reference to the grantee, be deemed to be the superior holder of land so granted by him and the grantee shall, with reference to the grantor, be deemed to be the inferior holder of such land ;

(o) "survey number" means a portion of land of which the area and assessment are separately entered, under an indicative number in the land records ;

(p) "Sub-division of a survey number" means a portion of a survey number of which the area and assessment are separately entered in the land records under an indicative number subordinate to that of the survey number of which it is a portion ;

(q) "tenant" means a lessee, whether holding under an instrument or under an oral agreement, and includes a mortgagee of a tenant's rights with possession ; but does not include a lessee holding directly under Government ;

(r) "village" includes a town or city and all the land belonging to a village, town or city ;

4. (1) There shall be prepared as soon as conveniently may be and shall thereafter be maintained in every village to which the provisions of this Regulation have been applied a record of rights in all lands belonging thereto, which shall include the following particulars, namely :—

Preparation
and maintenance
of Record
of Rights.

(a) the names of all persons (other than tenants) who are holders, occupants, owners or mortgagees of the land or assignees of the rent or revenue thereof ;

(b) the nature and extent of the respective interests of such persons and the conditions or liabilities (if any) attaching thereto ;

(c) the rent or revenue (if any) payable by or to any of such persons ;

(d) such other particulars as the Government may prescribe by rules made in this behalf :

Provided that the said particulars shall be entered in the record of rights with respect to *Kadim* and other perpetual tenancies and also with respect to tenancies of any other classes to which the Government may by notification in the *Mysore Gazette*, direct that the provisions of this section shall apply in any local area or generally.

(2) When in respect of any village the preparation of the record of rights referred to in Sub-Section (1) is completed, such completion shall be notified in the *Mysore Gazette*, and may also be published in such other manner as may be prescribed by Government.

Any person affected by an entry in such record may within a period of two years from the date of such notification, apply for rectification of such entry to such officer as Government may empower in this behalf.

The order of such officer shall be subject to appeal as may be provided for under rules prescribed in this behalf.

Acquisition of
rights to be
reported.

5. After a notification has issued under sub-section (2) of Section 4, any person acquiring, by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, owner, mortgagee, landlord or tenant [under the tenancies referred in the proviso to sub-section (1) of Section (4,)] of the land, or assignee of the rent or revenue thereof, shall report orally or in writing his acquisition of such right to the officer appointed in this behalf within three months from the date of such acquisition, and the said officer shall at once give a written acknowledgment of the receipt of such report to the person making it:

Provided that where the person acquiring the right is a minor or otherwise disqualified, his guardian or other person having charge of his property shall make the report to the officer appointed in this behalf:

Provided further that any person acquiring a right by virtue of a registered document shall be exempted from the obligation to report to the officer appointed in this behalf.

Explanation I.—The rights mentioned above include a mortgage without possession, but do not include an easement or a charge within the meaning of section 100 of the Transfer of Property Regulation, 1918.

Explanation II.—A person in whose favour a mortgage is discharged or extinguished, or lease determines, acquires a right within the meaning of this section.

Register of
mutations
and Register
of Disputed
Cases.

6. (1) The officer appointed in this behalf shall enter in a register of mutations every report made to him under Section 5 and shall also make an entry therein respecting the acquisition of any right of the kind mentioned in sub-section (1) of Section 5 which he has reason to believe to have taken place and of which a report has not been made to him under the said section.

(2) Whenever an officer appointed in this behalf makes an entry in the register of mutations he shall at the same time post up a complete copy of the entry in a conspicuous place in the Chavadi, and shall give written intimation to all persons appearing from the record of rights

or register of mutations, to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein.

(3) Should any objection to an entry made under sub-section (1) in the register of mutations be made either orally or in writing to the officer appointed in this behalf, it shall be the duty of the said officer to enter the particulars of the objection in a register of disputed cases.

(4) Orders disposing of objections entered in the register of disputed cases shall be recorded in the register of mutations by such officers and in such manner as may be prescribed by rules made by the Government in this behalf.

(5) The transfer of entries from the register of mutations to the record of rights shall be effected subject to such rules as may be made by the Government in this behalf; provided that an entry in the register of mutations shall not be transferred to the record of rights until such entry has been duly certified.

(6) Entries in the register of mutations shall be tested and if found correct or after correction as the case may be, shall be certified by a revenue officer of rank not lower than that of a Taluk Sheristedar.

(7) The provisions of this section shall apply in respect of *kadim* and other perpetual tenancies and also in respect of any tenancies mentioned in a notification under the proviso to sub-section (1) of Section 4; but the provisions of this section shall not apply in respect of other tenancies which shall be entered in a register of tenancies in such manner and under such procedure as the Government may prescribe by rules made in this behalf.

7. (1) Any person whose rights, interests, or liabilities are required to be or have been entered, in any record or register under this chapter shall be bound, on the requisition of any revenue officer engaged in compiling or revising the record or register, to furnish or produce for his inspection, within one month from the date of such requisition, all such information or documents needed for the correct compilation or revision thereof as may be within his knowledge or in his possession or power:

Obligation to
furnish infor-
mation.

Provided that no such requisition shall be made by a village accountant unless it has been previously counter-signed by a revenue officer of such rank as may be prescribed by Government in this behalf.

(2) A revenue officer to whom any information is furnished or before whom any document is produced in accordance with a requisition under sub-section (1) shall at once give a written acknowledgment thereof to the person furnishing or producing the same and shall endorse on any such document a note under his signature stating the fact of its production and the date thereof.

Penalty for neglect to afford information

8. Any person neglecting to make the report required by Section 5 or furnish the information or produce the documents required by Section 7 within the prescribed period shall be liable, at the discretion of the Deputy Commissioner, to a fine not exceeding five rupees, which shall be leviable as an arrear of land revenue.

Division of survey numbers into sub-divisions.

9. Notwithstanding the provisions of Section 109 of the Land Revenue Code,

(1) Survey numbers may from time to time and at any time be divided into as many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason.

(2) The division of survey numbers into sub-divisions and the fixing of the assessment of the sub-divisions shall be carried out and from time to time revised in accordance with rules made by the Government in this behalf.

Provided that the total amount of the assessment of any survey number of sub-division shall not be enhanced during any term for which such assessment may have been fixed under Section 112 of the Land Revenue Code unless such assessment is liable to alteration under Section 48 of the same Regulation.

(3) The area and assessment of such sub-divisions shall be entered in such land records as the Government may prescribe in this behalf.

Requisition of assistance in preparation of maps.

10. Subject to rules made in this behalf by the Government—

(a) Any Revenue Officer may, for the purpose of preparing or revising any map or plan required for or in connection with any record or register under this Regulation, exercise any of the powers of a Survey Officer under Sections 107 and 108 of the Mysore Land Revenue Code except the power of assessing the cost of hired labour under Section 108.

(b) Any Revenue Officer of rank not lower than that of an Assistant Commissioner or of a Survey Officer may assess the cost of the preparation or revision of such map

or plan and all contingent expenses including the cost of clerical labour and supervision, on the lands to which such maps or plans relate, and such costs shall be recoverable as a revenue demand.

11. (1) The plaintiff or applicant in every suit or application as hereinafter defined relating to land shall annex to the plaint or application a certified copy of any entry in the record of rights, register of mutations or register of tenancies relevant to such land.

Certified copy
of record to
be annexed
to plaint or
application.

(2) If the plaintiff or applicant fails to do so for any cause which the Court deems sufficient, he shall produce such certified copy within a reasonable time to be fixed by the Court and if such certified copy is not so annexed or produced, the plaint or application shall be rejected, but the rejection thereof shall not of its own force preclude the presentation of a fresh plaint in respect of the same cause of action or of a fresh application in respect of the same subject matter, with a certified copy annexed.

(3) After the disposal of any case in which a certified copy of any such entry has been recorded, the Court shall communicate to the Deputy Commissioner any error appearing in such entry and any alteration therein that may be required by reason of the decree or order, and a copy of such communication shall be kept with the record. The Deputy Commissioner shall in such case cause the entry to be corrected in accordance with the decree or decision of the Court, so far as it adjudicates upon any right required to be entered in the record of rights, register of mutations or register of tenancies. The provisions of this sub-section shall apply also to an appellate or revisional Court, provided that, in the case of an appellate or revisional decree or order passed by the Chief Court, the communication shall be made by the Court from which the appeal lay or the record was called for.

(4) In this section—

(a) "Suit" means a suit to which the provisions of the Code of Civil Procedure apply:

(b) "Application" means an application,

(i) for the execution of a decree or order in a suit;

(ii) for the filing of an agreement stating a case for the opinion of the Court under the Code of Civil Procedure;

(iii) for the filing of an agreement to refer to arbitration under paragraph 17 of the second Schedule to the said Code;

(iv) for the filing of an award under paragraph 20 of the said Schedule ;

(v) of any other kind to which the Government may by notification in the *Mysore Government Gazette*, direct that this section shall apply ;

(c) an application shall be deemed to relate to land if the decree or other matter, with respect to which the application is made, relates to land ;

(d) a suit, decree or other matter relating to land shall, without prejudice to the generality of the expression, be deemed to include a suit, decree or other matter relating to the rent or tenancy of land.

Refusal of assistance under Section 97.

12. Notwithstanding anything in Section 97 of the Land Revenue Code, the Deputy Commissioner shall refuse assistance to any superior holder under the said section, if his claim to such assistance is not supported by an entry or entries duly made in the record of rights, register of mutations or register of tenancies.

Presumption of correctness of entries in record of rights and register of mutations. Bar of suits.

13. An entry in the record of rights and a certified entry in the register of mutations shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.

14. No suit shall lie against the Government or any officer of Government in respect of a claim to have an entry made in any record or register that is maintained under this Regulation, or to have any such entry omitted or amended.

Appeal.

15. Any person affected by an order made under sub-section (4) or an entry certified under sub-section (6) of Section 6 may appeal to such officer, as may be empowered by Government in this behalf and his decision shall be final.

Revision.

The Deputy Commissioner of a district, may of his own motion or on application of a party, call for and examine any records made under Sections 4 and 6 and pass such orders as he may deem fit ; provided that no order shall be passed except after hearing any party who will be adversely affected thereby.

Record of rights and register of mutations open to inspection and extracts and copies to be given.

16. Subject to such rules and the payment of such fees as the Government may from time to time prescribe in this behalf, the record of rights and register of mutations shall be open to the inspection of the public at reasonable hours, and certified extracts therefrom, or certified copies thereof, shall be given to all persons applying for the same :

Provided that applications for such certified extracts or certified copies may be made to, and such certified extracts or certified copies may be given by, either the officer appointed in this behalf or the Amildar of the Taluk, or the Deputy Amildar of the Sub-Taluk in which the village is included.

17. (1) Government may, by notification published Rules. in the *Mysore Gazette*, make rules not inconsistent with the provisions of this Regulation to carry out the purposes and objects thereof and for the guidance of all persons in matters connected with the enforcement of this Regulation.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may be made—

(a) regulating the division of survey numbers into sub-divisions and the fixing of the assessment of sub-divisions under Section 9;

(b) regulating the construction, laying out, maintenance and repair of boundary marks;

(c) regulating the compilation, maintenance and revision of the record of rights and the register of mutations, disputed cases and tenancies, and prescribing the forms in which they are to be compiled and the officers by whom the said records and registers are to be tested and revised;

(d) regulating the exercise by officers appointed in this behalf and revenue officers of the powers of a survey officer and the assessment of costs and expenses under Section 10;

(e) prescribing the mode, form and manner in which appeals under the Regulation shall be drawn up and presented;

(f) prescribing the records, registers, accounts, maps, and plans to be maintained for the purposes of this Regulation and the manner and forms in which they shall be prepared and maintained.

(3) The power to make rules under this section shall be subject to the condition of previous publication.

18. It shall be lawful for the Government in making any rule under Section 17 to prescribe that any person committing a breach of the same shall, on conviction by a Magistrate, be punished with fine not exceeding five hundred rupees, in addition to any other consequences that would ensue from such breach. Penalty for breach of rules.

REGULATION I OF 1928.

(Received the assent of His Highness the Maharaja on the 23rd day of December 1927.)

A Regulation further to amend the Mysore Stamp Regulation, II of 1900.

Whereas it is expedient further to amend the Mysore Stamp Regulation II of 1900; it is hereby enacted as follows:—

1. This Regulation may be called the Mysore Stamp (Amendment) Regulation, 1928; and shall come into force at once.

Short title
and
commence-
ment.

2. (1) In section 3—

- (a) in clause (b), the word “cheque” shall be omitted and after the words “bill of exchange,” the words “payable otherwise than on demand” shall be inserted; and
- (b) in clause (c), the word “cheque” shall be omitted.

(2) In clause (b) of section 11, the word “cheques” shall be omitted.

(3) In sub-section (1) of section 18, the word “cheque” shall be omitted.

(4) In section 19, after the words “bill of exchange,” where they first occur, the words “payable otherwise than on demand” shall be inserted, and the word “cheque,” in both places where it occurs, shall be omitted.

(5) In section 47, for the words “promissory note or cheque” the words “or promissory note” shall be substituted, and for the words “note or cheque,” wherever they occur thereafter, the words “or note” shall be substituted.

(6) In clause (c) of Section 49—

- (a) the word “cheques” shall be omitted and after the words “bills of exchange,” the words “payable otherwise than on demand” shall be inserted;
- (b) the words “or cheque,” wherever they occur, shall be omitted;

- (c) the word "cheque," where it occurs elsewhere shall be omitted; and
- (d) for the words "any bill of exchange," where they occur for the first time in sub-clauses (1) and (3), the words "any such bill of exchange" shall be substituted.

(7) In clause (a) of sub-section (1) of Section 62, the word "cheque" shall be omitted, and after the words "bill of exchange" the words "payable otherwise than on demand" shall be inserted.

(8) In section 67, after the words "bill of exchange" the words "payable otherwise than on demand" shall be inserted.

(9) In article No. 12 of Schedule I, the word and figure "and 3" shall be omitted and the letter, brackets and words "(a) where payable on demand" together with the entry "one anna" in the second column against those words, shall be omitted.

(10) Article No. 20 of Schedule I shall be omitted.

REGULATION II OF 1928.

*(Received the assent of His Highness the Maharaja
on the 31st day of December 1927.)*

**A Regulation further to amend the Mysore University
Regulation, 1916.**

Whereas it is expedient to further amend the Mysore University Regulation, 1916; it is hereby enacted as follows:—

In Section 10 (2) (ii) of the Mysore University Regulation, 1916, for the words "the Inspector-General of Education in Mysore," the words "the Director of Public Instruction in Mysore," shall be substituted.

REGULATION III OF 1928.

*(Received the assent of His Highness the Maharaja
on the 9th day of April 1928.)*

**A Regulation to amend the Mysore Arms
Regulation, 1890.**

Whereas it is expedient to amend the Mysore Arms Regulation, VI of 1890 ; It is hereby enacted as follows :—

For the words and figures “or a volunteer enrolled under the Indian Volunteer’s Act, 1869” occurring in Section 1, the words and figures “or a member of either of the forces constituted by the Indian Territorial Force Act, 1920, or the Auxiliary Force Act, 1920” shall be substituted, and for the word “volunteer” occurring at the end of the section the word “member” shall be substituted.

Amendment
of section 1
(Savings).

REGULATION IV OF 1928.

*(Received the assent of His Highness the Maharaja
on the 29th day of March 1928.)*

**A Regulation further to amend the Mysore Stamp
Regulation, II of 1900.**

Whereas it is expedient further to amend the Mysore Stamp Regulation, II of 1900; it is hereby enacted as follows:—

For Article 47 in Schedule I to the Mysore Stamp Regulation, the following shall be substituted, *viz.*:—

Amendment
of Art 47 in
Schedule I.

“47 Promissory note—

[as defined by Section 2 (22).]

(a) when payable on demand ...

One anna.

(b) when payable otherwise
than on demand.

The same duty as a Bill of
exchange (No. 12) for the
same amount payable
otherwise than on de-
mand.”

REGULATION V OF 1928.

*(Received the assent of His Highness the Maharaja
on the 30th day of June 1928.)*

**A Regulation further to amend the Mysore Limitation
Regulation, IV of 1911.**

Whereas it is expedient further to amend the Mysore Limitation Regulation, 1911, for certain purposes hereinafter appearing; it is hereby enacted as follows:—

1. (1) This Regulation may be called the Mysore Limitation (Amendment) Regulation, 1928.

Short title
and Com-
mencement.

(2) It shall come into force on the first day of January 1929.

2. For the proviso to sub-section (1) of Section 20 of the Mysore Limitation Regulation, 1911, hereinafter referred to as the said Regulation, the following shall be substituted namely:—

Amendment
of Section 20.

“Provided that, save in the case of a payment of interest made before the first day of January 1929, an acknowledgment of the payment appears in the hand-writing of, or in a writing signed by, the person making the payment.”

3. To section 21 of the said Regulation, the following sub-section shall be added, namely:—

Amendment
of Section 21.

“(3) For the purposes of the said sections ;

(a) an acknowledgment signed or a payment made, in respect of any liability, by, or by the duly authorised agent of, any widow or other limited owner of property who is governed by the Hindu Law, shall be a valid acknowledgment or payment, as the case may be, as against a reversioner succeeding to such liability; and

(b) where a liability has been incurred by, or on behalf of, a Hindu undivided family as such an acknowledgment or payment made by, or by the duly authorised agent of, the manager of the family for the time being shall be deemed to have been made on behalf of the whole family.”

4. In the Third Division of the First schedule, in Article 182:—

Amendment
of First
Schedule,

(a) in clause 5 of the entry in the third column, for the word “applying” the words “the final order passed on an application made” shall be substituted.

(b) for clause 6 of the same entry the following shall be substituted, namely :—

“ 6. (in respect of any amount, recovered by execution of the decree or order, which the decree holder has been directed to refund by a decree passed in a suit for such refund) the date of such last mentioned decree or, in the case of an appeal therefrom, the date of the final decree of the Appellate Court or of the withdrawal of the appeal.”

REGULATION VI OF 1928.

*(Received the assent of His Highness the Maharaja
on the 2nd day of July 1928.)*

**A Regulation to amend the Mysore Small Cause Courts
Regulation, 1911.**

Whereas it is expedient to amend the Mysore Small Cause Courts Regulation, VIII of 1911; It is hereby enacted as follows:—

1. The following shall be added as an exception Amendment
of section 4.
after the proviso to Section 4:—

“*Exception.*—A suit in ejectment based on leases of immovable property in writing, other than agricultural leases, is not a suit in respect of immovable property within the meaning of this Section.”

2. In Schedule 1 of the Regulation the following shall be added as item (22):— Amendment
of Schedule I.

“(22) Suits in ejectment based on leases of immovable property, other than agricultural leases, which are in writing.”

REGULATION VII OF 1928.

*(Received the assent of His Highness the Maharaja
on the 2nd day of July 1928.)*

**A Regulation further to amend the Code of Criminal
Procedure, 1904.**

Whereas it is expedient further to amend the Code of Criminal Procedure, 1904; it is hereby enacted as follows:—

1. This Regulation may be called the Code of Criminal Procedure (Amendment) Regulation 1928. Short title.

2. (1) In section 98 of the said Code—

(i) after the words “kept or deposited in any place,” the following paragraph shall be inserted, namely:—

Amendment
of Section 98.

“or, if a District Magistrate or Sub-Divisional Magistrate, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit, sale, manufacture or production of any obscene object such as is referred to in section 292 of the Indian Penal Code, or that any such obscene objects are kept or deposited in any place;”

(ii) in clause (c), after the word “materials” the words “or of any such obscene objects” shall be inserted;

(iii) in clause (d), after the word “materials” the words “or such obscene objects” shall be inserted; and

(iv) in clause (e), after the words “or materials” where they first occur, the words “or such obscene objects” shall be inserted, and after the word “forging” at the end, the following words shall be added, namely:—

“or the said obscene objects to have been or to be intended to be sold, let to hire, distributed, publicly exhibited, circulated, imported or exported.”

3. In sub-section (6) of Section 123 of the said Code the words and figures “or section 109” shall be omitted, and before the word and figures “Section 110” the words and figures “Section 109 or” shall be inserted. Amendment
of Section 123

4. Sub-section 4 of Section 170 of the said Code is hereby repealed. Amendment
of Sec. 170.

Amendment
of Sec. 202.

5. For the proviso to sub-section (1) of Section 202 of the said Code, the following proviso shall be substituted, namely:—

“Provided that, save where the complaint has been made by a Court, no such direction shall be made unless the complainant has been examined on oath under the provisions of Section 200.”

Amendment
of Sec. 203.

6. In section 203 of the said Code, for the words “any investigation” the words “the investigation” shall be substituted; and after the word “inquiry” the words and brackets “(if any)” shall be inserted.

Amendment
of Sec. 552.

7. In Section 552 of the said Code, for the word “fourteen” the word “sixteen” shall be substituted.

Amendment
of Schedule
II.

8. (1) In the Second Schedule to the said Code—

(i) for the entries in column 8 against sections 292 and 293 the words “Magistrate of the First Class” shall be substituted;

(ii) for the entry in column 2 against section 293 the words “sale, etc., of obscene objects to young persons” shall be substituted; and

(iii) for the entry in column 7 against the same section the words “Imprisonment of either description for six months, or fine, or both” shall be substituted.

(2) In the same schedule after the entry relating to Section 366 of the I. P. C. the following entries shall be inserted, namely:—

366A	Procuration of Minor Girl	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment of either description for ten years and fine	Court of Session
366B	Importation of Girl from foreign country	May arrest without warrant.	Warrant	Not bail able.	Not compoundable.	Imprisonment of either description for ten years and fine	Court of Session.

Amendment
of Schedule
V.

(3) In the Fifth Schedule to the said Code, in Form IX, after the words “or seals, or coins” the words “or obscene objects” shall be inserted.

REGULATION VIII OF 1928.

*(Received the assent of His Highness the Maharaja
on the 2nd day of July 1928.)*

**A Regulation further to amend the Indian Penal Code,
1860, as it is in force in Mysore.**

Whereas it is expedient further to amend the Indian Penal Code, Act XLV of 1860, as it is in force in Mysore ; it is hereby enacted as follows :—

1. This Regulation may be called the Indian Penal Code (Amendment) Regulation, 1928. Short title.

2. For Sections 292 and 293 of the Code, the following sections shall be substituted, namely :— Substitution
of new
sections for
Sections 292
and 293

“292. Whoever—

(a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation makes, produces, or has in his possession any obscene book, pamphlet, paper drawing, painting, representation or figure or any other obscene object whatsoever, or Sale, etc., of
obscene books,
etc.

(b) imports, exports or conveys, any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such object will be sold, let to hire, distributed or publicly exhibited or in any manner put into circulation, or

(c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene objects are, for any of the purposes aforesaid, made, produced, purchased, kept, imported, exported, conveyed, publicly exhibited or in any manner put into circulation, or

(d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such obscene object can be procured from or through any person, or

(e) offers or attempts to do any act which is an offence under this section,

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Exception.—This section does not extend to any book, pamphlet, writing, drawing or painting kept or used *bona fide* for religious purposes or any representation sculptured, engraved, painted or otherwise represented on or in any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.

Sale, etc., of
obscene
objects to
young per-
sons.

293. Whoever sells, lets to hire, distributes, exhibits or circulates to any person under the age of twenty years any such obscene object as is referred to in the last preceding section, or offers or attempts so to do, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both."

Amendment
of Section
366.

3. To Section 366 of the said Code, the following paragraph shall be added, namely :—

"and whoever, by means of criminal intimidation as defined in this Code or of abuse of authority or any other method of compulsion, induces any woman to go from any place with intent that she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punishable as aforesaid."

Insertion of
new Sections
366 A and
366 B.
Procurator
of minor girl.

4. After Section 366 of the said code, the following sections shall be inserted, namely :—

"366A. Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

Importation
of girl from
foreign
country.

"366B. Whoever imports into Mysore from any country outside Mysore any girl under the age of twenty-one years with intent that she may be, or knowing it to be likely that she will be, forced or seduced to illicit intercourse with another person,

and whoever with such intent or knowledge imports into Mysore from any State or Province in India any such girl who has with the like intent or knowledge been imported into India whether by himself or by another person, shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine."

Amendment
of Sections
372 and 373.

5. In sections 372 and 373 of the Code, for the words "minor under the age of sixteen years with intent that such minor shall be employed or used for the purpose

of prostitution, or for any unlawful and immoral purpose, or knowing it to be likely that such minor will be," the words "person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be" shall be substituted.

6. To section 372 of the Code, the following *Explanations* shall be added, namely :—

Further
amendment
of Section
372.

Explanation I.

"When a female under the age of eighteen years is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

Explanation II.

For the purposes of this section "illicit intercourse" means sexual intercourse between persons not united by marriage or by any union or tie which, though not amounting to a marriage, is recognised by the personal law or custom of the community to which they belong or, where they belong to different communities, of both such communities, as constituting between them a *quasi*-marital relation :—

7. To Section 373 of the Code, the following *Explanations* shall be added, namely :—

Further
amendment
of Section
373.

Explanation I.

"Any prostitute, or any person keeping or managing a brothel, who buys, hires, or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

Explanation II.

"Illicit intercourse" has the same meaning as in Section 372.

REGULATION IX OF 1928.

(Received the assent of His Highness the Maharaja on the 4th day of July 1928.)

A Regulation to amend the Mysore Income-tax Regulation, 1923, for certain purposes.

Whereas it is expedient further to amend the Mysore Income-tax Regulation, 1923, for certain purposes hereinafter appearing; it is hereby enacted as follows:—

1. (1) This Regulation may be called the “Mysore Income-tax (Amendment) Regulation, 1928.”

Short title
and com-
mencement.

(2) It shall come into force at once.

2. To Section 48 of the Mysore Income-tax Regulation, 1923, the following sub-sections shall be added, namely:—

Amendment,
of Section 48,
Regulation V
of 1928.

“(4) For the purposes of this section ‘total income’ includes, in the case of any person not resident in Mysore, all income, profits and gains wherever arising, accruing or received which if arising, accruing or received in Mysore would be included in the computation of total income under Section 16.”

“(5) Nothing in this Section shall entitle to any refund any person not resident in Mysore who is neither a subject of His Highness the Maharaja of Mysore, nor a British subject of Indian domicile.”

REGULATION X OF 1928.

(Received the assent of His Highness the Maharaja on the 2nd day of July 1928.)

A Regulation further to amend the Mysore Legal Practitioners' Regulation, 1884, for a certain purpose.

Whereas it is expedient to further amend the Mysore Legal Practitioners' Regulation, 1884; It is hereby enacted as follows:—

1. For sections 6 and 7 of the said Regulation, the following new section shall be substituted:—

"6. A Pleader shall be entitled to appear, plead and act in any Civil Court situate within a single district as defined in the Code of Civil Procedure, for which he may be enrolled, and in all Criminal Courts, provided that he shall not be entitled to practise in the Chief Court."

2. Sections 10, 11, 12, 13A, 13B, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 shall be re-numbered as 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 respectively.

3. In clause (3) of Section 7 of the said Regulation, as re-numbered, the figures "8" and "9" shall be substituted for the figures "11" and "12" respectively.

4. In Sections 8 and 9 of the said Regulation, as re-numbered, the figure "7" shall be substituted, for the figure "10."

5. In sub-section (e) of Section 11 of the said Regulation as re-numbered, the figure "26" shall be substituted for the figure "28."

6. In Section 12 of the said Regulation as re-numbered, the figure "11" shall be substituted for the figure "13B."

7. In sub-section (5) of Section 26 of the said Regulation as re-numbered, the figure "11" shall be substituted for the figure "13B."

Preamble.

Substitution of a new section for sections 6 and 7.

Re-numbering of certain sections.

REGULATION XI OF 1928.

(Received the assent of His Highness the Maharaja on the 2nd day of July 1928.)

A Regulation further to amend the Mysore Village Courts Regulation, 1913.

Whereas it is expedient further to amend the Mysore Village Courts Regulation, 1913; It is hereby enacted as follows :—

In Section 11 of the said Regulation, the word “forty” shall be substituted for the word “twenty.”

REGULATION No. XII OF 1928.

(Received the assent of his Highness the Maharaja on the 2nd day of July 1928.)

A Regulation to amend the Mysore Village Panchayet Regulation, II of 1926.

Whereas it is expedient to amend the Mysore Village Panchayet Regulation, 1926; It is hereby enacted as follows :—

The following new item (xiii) shall be added to Section 20 :—

Amendment
of Section 20.

“(xiii) Preparing a list of children of compulsory age in any Panchayet area where compulsory education is introduced under the Elementary Education Regulation, V of 1913, subject to such rules as have been or may be framed therefor under the said Regulation.”

REGULATION XIII OF 1928.

*(Received the assent of His Highness the Maharaja on the
2nd day of July 1928.)*

**A Regulation further to amend the Mysore Municipal
Regulation, VII of 1906.**

Whereas it is expedient further to amend the Mysore Municipal Regulation, 1906; It is hereby enacted as follows:—

The following new item (u) shall be added to Section 54:— Amendment
of Section 54

“(u) Preparing a list of children of compulsory age in any Municipal area where compulsory education is introduced under the Elementary Education Regulation, V of 1913, subject to such rules as have been or may be framed therefor under the said Regulation.”

REGULATION XIV OF 1928.

(Received the assent of His Highness the Maharaja on
the 4th day of July 1928.)

**A Regulation to provide for the payment by certain classes
of employers to their workmen of Compensation for
injury by Accident.**

Whereas it is expedient to provide for the payment
by certain classes of employers to their workmen of com-
pensation for injury by accident; it is hereby enacted
as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called the Workmen's Compensation Regulation, 1928. Short title,
extent and
commence-
ment.

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the
Government may, by notification in the *Official Gazette*,
direct.

2. (1) In this Regulation unless there is anything Definitions.
repugnant in the subject or context,—

(a) "adult" and "minor" means respectively a
person who is not and a person who is under the age of
fifteen years;

(b) "Commissioner" mean a Commissioner for
Workmen's Compensation appointed under Section 19;

(c) "compensation" means compensation as
provided for by this Regulation;

(d) "dependant" means any of the following
relatives of a deceased workman, namely, a wife, husband,
parent, minor son, unmarried daughter, married daughter
who is a minor, minor brother or unmarried sister, and
includes the widow and the minor children of a deceased
son of the workman and where no parent of the workman
is alive, a paternal grand-parent;

(e) "employer" includes any body of persons
whether incorporated or not and any managing agent of
an employer and the legal representative of a deceased

employer, and, when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means such other person while the workman is working for him ;

(f) "managing agent" means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer ;

(g) "partial disablement" means where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time ; provided that every injury specified in Schedule I shall be deemed to result in permanent partial disablement ;

(h) "prescribed" means prescribed by rules made under this Regulation ;

(i) "qualified medical practitioner" means any person declared by the Government by notification in the *Official Gazette* to be a qualified medical practitioner for the purposes of this Regulation ;

(j) "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement ; provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent ;

(k) "wages" includes any privilege or benefit which is capable of being estimated in money, other than travelling allowance or the value of any travelling concession or a contribution paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment ;

(1) "workman" means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is:—

- (i) a railway servant as defined in section 3 of the Mysore Railways Regulation, 1894, not permanently employed in any administrative, district or sub-divisional office of a railway and not employed in any such capacity as is specified in Schedule II, or
- (ii) employed, either by way of manual labour or on monthly wages not exceeding three hundred rupees, in any such capacity as is specified in Schedule II,

whether the contract of employment was made before or after the passing of this Regulation and whether such contract is expressed or implied, oral or in writing; but does not include any person working in the capacity of a member of the Mysore State and Palace Troops; and any reference to a workman who has been injured shall, where the workman is dead, include a reference to his dependants or any of them.

(2) The exercise and performance of the powers and duties of a local authority or of any department of the Government shall, for the purposes of this Regulation unless a contrary intention appears, be deemed to be the trade or business of such authority or department.

(3) The Government after giving by notification in the *Official Gazette*, not less than three months' notice of their intention so to do, may, by a like notification, direct that the provisions of this Regulation shall apply in the case of any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is employed by way of manual labour or on monthly wages not exceeding three hundred rupees in any occupation declared by such notification to be hazardous occupation, or that the said provisions shall apply in the case of any specified class of such persons or in the case of any such person or class to whom any specified injury is caused; and any person in whose case the said provisions are so made applicable shall be deemed to be a workman within the meaning of this Regulation.

CHAPTER II.

WORKMEN'S COMPENSATION.

Employer's
liability for
compensation

3. (1) If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter:—

Provided that the employer shall not be so liable:

(a) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding ten days;

(b) in respect of any injury to workman resulting from an accident which is directly attributable to—

(i) the workman having been at the time thereof under the influence of drink or drugs, or

(ii) the wilful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or

(iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workmen; or

(c) except in the case of death or permanent total disablement, in respect of any workman employed in the construction, repair or demolition of a building or bridge.

(2) If a workman employed in any employment involving the handling of wool, hair, bristles, hides or skins contracts the disease of anthrax, or if a workman whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any employment specified in Schedule III, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of and in the course of the employment.

Explanation.—For the purposes of this section a period of service shall be deemed to be continuous which has not included a period of service under any other employer.

(3) The Government after giving by notification in the *Official Gazette* not less than three months' notice of their intention so to do, may, by a like notification, add any description of employment to the employments specified in Schedule III, and shall specify in the case of the employments so added the diseases which shall be deemed for the purposes of this section to be occupational diseases peculiar to those employments respectively, and the provisions of sub-section (2) shall thereupon apply as if such diseases had been declared by this Regulation to be occupational diseases peculiar to those employments.

(4) Save as provided by sub-sections (2) and (3), no compensation shall be payable to a workman in respect of any disease unless the disease is solely and directly attributable to a specific injury by accident arising out of and in the course of his employment.

(5) Nothing herein contained shall be deemed to confer any right to compensation on a workman in respect of any injury, if he has instituted in a Civil Court a suit for damages in respect of the injury against the employer or any other person: and no suit for damages shall be maintainable by a workman in any Court of Law in respect of any injury—

(a) if he has instituted a claim to compensation in respect of the injury before a Commissioner; or

(b) if an agreement has been come to between the workman and his employer providing for the payment of compensation in respect of the injury in accordance with the provisions of this Regulation.

4. (1) Subject to the provisions of this Regulation, the amount of compensation shall be as follows, namely,—

Amount of compensation.

A. Where death results from the injury,—

(i) in the case of an adult, a sum equal to thirty months' wages or two thousand five hundred rupees, whichever is less, and,

(ii) in the case of a minor, two hundred rupees;

B. Where permanent total disablement results from the injury,—

(i) in the case of an adult, a sum equal to forty-two months' wages or three thousand five hundred rupees, whichever is less; and

(ii) in the case of a minor, a sum equal to eighty-four months' wages or three thousand five hundred rupees, whichever is less; and

C. Where permanent partial disablement results from the injury—

- (i) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and
- (ii) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury ;

Explanation.—Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable, if permanent total disablement had resulted from the injuries.

D. Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day after the expiry of a waiting period of ten days from the date of the disablement and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter,

- (i) in the case of an adult, of fifteen rupees or a sum equal to one-fourth of his monthly wages whichever is less, and
- (ii) in the case of a minor, of a sum equal to one-third, or after he has attained the age of fifteen years, to one half of his monthly wages, but not exceeding in any case fifteen rupees :

Provided that there shall be deducted from any lumpsum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lumpsum or of the first half-monthly payment, as the case may be, and no half-monthly payment, shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning after the accident.

(2) On the ceasing of the disablement before the date on which any half-monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.

5. For the purposes of Section 4 the monthly wages of a workman shall be calculated as follows, namely:—

Method of
calculating
wages.

(a) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer, who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period ;

(b) in other cases, the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period :

Provided that the sum arrived at by a calculation under clause (a) or (b) shall be increased or decreased, as the case may be, to the amount specified in the second column of Schedule IV against the head specified in the first column thereof within the limits of which such sum is included.

Explanation.—A period of service shall, for the purposes of this section, be deemed to be continuous which has not been interrupted by a period of absence from work exceeding fourteen days.

6. (1) Any half-monthly payment payable under this Regulation, either under an agreement between the parties or under the order of a Commissioner, may be reviewed by the Commissioner on the application either of the employer or of the workman accompanied by the certificate of a qualified medical practitioner that there has been a change in the condition of the workman or subject to rules made under this Regulation, on application made without such certificate.

Review.

(2) Any half-monthly payment may, on review under this section, subject to the provisions of this Regulation, be continued, increased, decreased or ended, or, if the accident is found to have resulted in permanent disablement, be converted to the lumpsum to which the

workman is entitled less any amount which he has already received by way of half-monthly payments.

commutation
of half-
monthly
payments.

7. Any right to receive half-monthly payments may, by agreement between the parties or, if the parties cannot agree and the payments have been continued for not less than six months, on the application of either party to the Commissioner, be redeemed by the payment of a lumpsum of such amount as may be agreed to by the parties or determined by the Commissioner, as the case may be.

Distribution
of compensa-
tion

8. (1) Compensation payable in respect of a workman whose injury has resulted in death shall be deposited with the Commissioner, and any sum so deposited shall be apportioned among the dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit, or may, in the discretion of the Commissioner, be allotted to any one such dependant, and the sum so allotted to any dependant shall be paid to him or, if he is a person under any legal disability, be invested, applied or otherwise dealt with for his benefit during such disability in such manner as the Commissioner thinks fit.

(2) Any other compensation payable under this Regulation may be deposited with the Commissioner and, when so deposited, shall be paid by the Commissioner to the person entitled thereto.

(3) The receipt of the Commissioner shall be a sufficient discharge in respect of any amount deposited with him under sub-section (1) or sub-section (2).

(4) On the deposit of any money under sub-section (1), the Commissioner may deduct therefrom the actual cost of the workman's funeral expenses, to an amount not exceeding fifty rupees, and pay the same to the person by whom such expenses were incurred, and shall, if he thinks necessary, cause notice to be published or to be served on each dependant in such manner as he thinks fit, calling upon the dependants to appear before him on such date as he may fix for determining the distribution of the compensation. If the Commissioner is satisfied, after any inquiry which he may deem necessary, that no dependant exists, he shall repay the balance of the money to the employer by whom it was paid. The Commissioner shall, on application by the employer, furnish a statement showing in detail all disbursements made.

(5) Where a half-monthly payment is payable under this Regulation to a person under any legal dis-

ability, the Commissioner may, of his own motion or on application made to him in this behalf, order that the half-monthly payment be paid during the disability to any dependant of the workman or to any other person whom he thinks best fitted to provide for the welfare of the workman.

(6) Where, on application made to him in this behalf or otherwise, the Commissioner is satisfied that, on account of neglect of children on the part of a parent or on account of the variation of the circumstances of any dependant or for any other sufficient cause, an order of the Commissioner as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependant is to be invested, applied or otherwise dealt with, ought to be varied, the Commissioner may make such orders for the variation of the former order as he thinks just in the circumstances of the case:

Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

9. Save as provided by this Regulation, no lumpsum or half-monthly payment payable under this Regulation shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

Compensation
not to be
assigned,
attached or
charged.

10. (1) No proceedings for the recovery of compensation shall be maintainable before a Commissioner unless notice of the accident has been given, in the manner hereinafter provided, as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been instituted within six months of the occurrence of the accident or, in case of death, within six months from the date of death:

Notice and
claim.

Provided that, where the accident is the contracting of a disease in respect of which the provisions of subsection (2) of Section 3 are applicable, the accident shall be deemed to have occurred on the first of the days during which the workman was continuously absent from work in consequence of the disablement caused by the disease:

Provided, further that the Commissioner may admit and decide any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been instituted, in due time as provided in this sub-section, if he is satisfied that the failure so to give the notice or institute the claim, as the case may be, was due to sufficient cause.

(2) Every such notice shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and the date on which the accident happened, and shall be served on the employer or upon any one of several employers, or upon any person directly responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed.

(3) The notice may be served by delivering the same at, or sending it by registered post addressed to, the residence or any office or place of business of the person on whom it is to be served.

**Medical
Examination.**

11. (1) Where a workman has given notice of an accident, he shall, if the employer, before the expiry of three days from the time at which service of the notice has been effected, offers to have him examined free of charge by a qualified medical practitioner, submit himself for such examination, and any workman who is in receipt of a half-monthly payment under this Regulation shall, if so required, submit himself for such examination from time to time:

Provided that a workman shall not be required to submit himself for examination by a medical practitioner otherwise than in accordance with rules made under this Regulation, or at more frequent intervals than may be prescribed.

(2) If a workman, on being required to do so by the employer under sub-section (1) or by the Commissioner at any time, refuses to submit himself for examination by a qualified medical practitioner or in any way obstructs the same, his right to compensation shall be suspended during the continuance of such refusal or obstruction unless, in the case of refusal, he was prevented by any sufficient cause from so submitting himself.

(3) If a workman, before the expiry of the period within which he is liable under sub-section (1) to be required to submit himself for a medical examination, voluntarily leaves without having been so examined the

vicinity of the place in which he was employed, his right to compensation shall be suspended until he returns and offers himself for such examination.

(4) Where a workman, whose right to compensation has been suspended, under sub-section (2) or sub-section (3), dies without having submitted himself for medical examination as required by either of those sub-sections, the Commissioner may, if he thinks fit, direct the payment of compensation to the dependants of the deceased workman.

(5) Where under sub-section (2) or sub-section (3) a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension, and, if the period of suspension commences before the expiry of the waiting period referred to in clause D of sub-section (1) of section 4, the waiting period shall be increased by the period during which the suspension continues.

(6) Where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such medical practitioner, then, if it is thereafter proved that the workman has not been regularly attended by a qualified medical practitioner and that such refusal, failure or disregard was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified medical practitioner, and compensation, if any, shall be payable accordingly.

12. (1) Where any person (hereinafter in this section referred to as the principal) in the course of or for the purposes of his trade or business contracts with any other person (hereinafter in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from the principal, this Regulation shall apply as

Contracting.

if references to the principal were substituted for references to the employer except that the amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by the contractor, and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner.

(3) Nothing in this section shall be construed as preventing a workman from recovering compensation from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere than on, in or about the premises on which the principal has undertaken or usually undertakes, as the case may be, to execute the work or which are otherwise under his control or management.

Remedies of
employer
against
strangers.

13. Where a workman has recovered compensation in respect of any injury caused under circumstances creating a legal liability of some person other than the person by whom the compensation was paid to pay damages in respect thereof, the person by whom the compensation was paid and any person who has been called on to pay an indemnity under section 12 shall be entitled to be indemnified by the person so liable to pay damages as aforesaid.

Insolvency
of employer.

14. (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Regulation to any workman, then in the event of the employer becoming insolvent or making a composition or scheme of arrangement with his creditors or if the employer is a company, in the event of the company having commenced to be wound up, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in any law for the time being in force, relating to insolvency or the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so, however, that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman,

the workman may prove for the balance in the insolvency proceedings or liquidation.

(3) Where in any case such as is referred to in sub-section (1) the contract of the employer with the insurers is void or voidable by reason of non-compliance on the part of the employer with any terms or conditions of the contract (other than a stipulation for the payment of a premia), the provisions of that sub-section shall apply as if the contract were not void or voidable, and the insurers shall be entitled to prove in the insolvency proceedings or liquidation for the amount paid to the workman :

Provided that the provisions of this sub-section shall not apply in any case in which the workman fails to give notice to the insurers of the happening of the accident and of any resulting disablement as soon as practicable after he becomes aware of the institution of the insolvency or liquidation proceedings.

(4) There shall be deemed to be included among the debts which under section 61 of the Mysore Insolvency Regulation, 1925, or under section 230 of the Mysore Companies Regulation, 1917, are in the distribution of the property of an insolvent or in the distribution of the assets of a company being wound up to be paid in priority to all other debts, the amount due in respect of any compensation the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of the commencement of the winding up, as the case may be, and those Regulations shall have effect accordingly.

(5) Where the compensation is a half-monthly payment the amount due in respect thereof shall, for the purposes of this section, be taken to be the amount of the lumpsum for which the half-monthly payment could, if redeemable, be redeemed if application were made for that purpose under section 7, and a certificate of the Commissioner as to the amount of such sum shall be conclusive proof thereof.

(6) The provisions of sub-section (4) shall apply in the case of any amount for which an insurer is entitled to prove under sub-section (3), but otherwise those provisions shall not apply where the insolvent or the company being wound up has entered into such a contract with insurers as is referred to in sub-section (1).

(7) This section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

Returns as to
compensation.

15. The Government may, by notification in the *Official Gazette*, direct that every person employing workmen, or any specified class of such persons, shall send at such time and in such form and to such authority, as may be specified in the notification, a correct return specifying the number of injuries in respect of which compensation has been paid by the employer during the previous year and the amount of such compensation, together with such other particulars as to the compensation as the Government may direct.

Contracting
out.

16. Any contract or agreement whether made before or after the commencement of this Regulation, whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Regulation.

Proof of age.

17. Where any question arises as to the age of a person injured by accident arising out of and in the course of his employment in a factory, a certificate granted in respect of such person under section 7 or section 8 of the Mysore Factories Regulation, 1914, before the occurrence of the injury shall be conclusive proof of the age of such person.

CHAPTER III.

COMMISSIONERS.

Reference to
Commissioners.

18. (1) If any question arises in any proceedings under this Regulation as to the liability of any persons to pay compensation (including any question as to whether a person injured is or is not a workman) or as to the amount or duration of compensation (including any question as to the nature or extent of disablement), the question shall, in default of agreement, be settled by the Commissioner.

(2) No civil court shall have jurisdiction to settle, decide or deal with any question which is by or under this Regulation required to be settled, decided or dealt with by a Commissioner or to enforce any liability incurred under this Regulation.

Appointment
of Commissioners.

19. (1) The Government may, by notification in the *Official Gazette*, appoint the Director of Industries and Commerce or a Deputy Commissioner or a District Judge

to be a Commissioner for Workmen's Compensation for such local area as may be specified in the notification.

(2) Any Commissioner may, for the purpose of deciding any matter referred to him for decision under this Regulation, choose one or more persons possessing special knowledge of any matter relevant to the matter under inquiry to assist him in holding the inquiry.

(3) Every Commissioner shall be deemed to be a public servant within the meaning of the Indian Penal Code, as it is in force in Mysore.

20. (1) Where any matter is under this Regulation to be done by or before a Commissioner, the same shall, subject to the provisions of this Regulation and to any rules made hereunder, be done by or before the Commissioner for the local area in which the accident took place which resulted in the injury.

Venue of
Proceedings
and transfer.

(2) If a Commissioner is satisfied by any party to any proceedings under this Regulation pending before him that such matter can be more conveniently dealt with by any other Commissioner, he may, subject to rules made under this Regulation, order such matter to be transferred to such other Commissioner either for report or for disposal, and, if he does so, shall forthwith transmit to such other Commissioner all documents relevant for the decision of such matter and, where the matter is transferred for disposal, shall also transmit in the prescribed manner any money remaining in his hands or invested by him for the benefit of any party to the proceedings :

Provided that no matter other than a matter relating to the actual payment to workman or the distribution among dependents of a lumpsum shall be transferred for disposal under this sub-section to another Commissioner save with the previous sanction of the Government, unless all the parties to the proceedings agree to the transfer.

(3) The Commissioner to whom any matter is so transferred shall, subject to rules made under this Regulation, inquire thereinto and, if the matter was transferred for report, return his report thereon or, if the matter was transferred for disposal, continue the proceedings as if they had originally commenced before him.

(4) On receipt of a report from a Commissioner to whom any matter has been transferred for report under sub-section (2), the Commissioner by whom it was referred shall decide the matter referred in conformity with such report.

Forms of
application.

21. (1) No application for the settlement of any matter by a Commissioner shall be made unless and until some question has arisen between the parties in connection therewith which they have been unable to settle by agreement.

(2) Where any such question has arisen, the application may be made in such form and shall be accompanied by such fee, if any, as may be prescribed, and shall contain, in addition to any particulars which may be prescribed, the following particulars, namely:—

(a) a concise statement of the circumstances in which the application is made and the relief or order which the applicant claims ;

(b) in the case of a claim for compensation against an employer, the date of service of notice of the accident on the employer and, if such notice has been served or has not been served in due time, the reason for such omission ;

(c) the names and addresses of the parties ; and

(d) a concise statement of the matters on which agreement has and on those on which agreement has not been come to.

(3) If the applicant is illiterate or for any other reason is unable to furnish the required information in writing, the application shall, if the applicant so desires, be prepared under the direction of the Commissioner.

Powers and
procedure of
Commis-
sioners

22. The Commissioner shall have all the powers of a Civil Court under the Code of Civil Procedure, 1911, for the purpose of taking evidence on oath (which such Commissioner is hereby empowered to impose) and of enforcing the attendance of witnesses and compelling the production of documents and material objects.

Appearance
of parties.

23. Any appearance, application or act required to be made or done by any person before or to a Commissioner (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or other person authorised in writing by such person.

Method of
recording
evidence.

24. The Commissioner shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and such memorandum shall be written and signed by the Commissioner with his own hand and shall form part of the record:

Provided that, if the Commissioner is prevented from making such memorandum, he shall record the reason of

his inability to do so and shall cause such memorandum to be made in writing from his dictation and shall sign the same, and such memorandum shall form part of the record :

Provided, further, that the evidence of any medical witness shall be taken down as nearly as may be word for word.

25. All costs incidental to any proceedings before a Commissioner shall, subject to rules made under this Regulation, be in the discretion of the Commissioner. Costs.

26. A Commissioner may, if he thinks fit, submit any question of law for the decision of the Chief Court and, if he does so, shall decide the question in conformity with such decision. Powers to submit cases

27. (1) Where the amount of any lumpsum payable as compensation has been settled by agreement, whether by way of redemption of a half-monthly payment or otherwise, or where any compensation has been so settled as being payable to a person under a legal disability or to a dependant, a memorandum thereof shall be sent by the employer to the Commissioner, who shall, on being satisfied as to its genuineness, record the memorandum in a register in the prescribed manner: Registration of agreements.

Provided that—

(a) no such memorandum shall be recorded before seven days after communication by the Commissioner of notice to the parties concerned;

(b) where a workman seeks to record a memorandum of agreement between his employer and himself for the payment of compensation and the employer proves that the workman has, in fact, returned to work and is earning the same wages as he did before the accident and object to the recording of such memorandum, the memorandum shall only be recorded, if at all, on such terms as the Commissioner thinks just in the circumstances;

(c) the Commissioner may at any time rectify the register;

(d) where it appears to the Commissioner that an agreement as to the payment of a lumpsum whether by way of redemption of a half-monthly payment or otherwise, or an agreement as to the amount of compensation payable to a person under any legal disability or to any dependant, ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue

influence or other improper means, he may refuse to record the memorandum of the agreement or may make such order, including an order as to any sum already paid under the agreement, as he thinks just in the circumstances.

(2) An agreement for the payment of compensation which has been registered under sub-section (1) shall be enforceable under this Regulation, notwithstanding anything contained in the Indian Contract Act, 1872, as extended to Mysore or in any other law for the time being in force.

Effect of
failure to
register
agreement.

28. Where a memorandum of any agreement, the registration of which is required by section 27, is not sent to the Commissioner as required by that section, the employer shall be liable to pay the full amount of compensation which he is liable to pay under the provisions of this Regulation, and notwithstanding anything contained in the proviso to sub-section (1) of section 4, shall not, unless the Commissioner otherwise directs, be entitled to deduct more than half of any amount paid to the workman by way of compensation whether under the agreement or otherwise.

Appeals.

29. (1) An appeal shall lie to the Chief Court from the following orders of a Commissioner, namely :—

(a) an order awarding as compensation a lumpsum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lumpsum ;

(b) an order refusing to allow redemption of a half-monthly payment ;

(c) an order providing for the distribution of compensation among the dependants of a deceased workman, or disallowing any claim of a person alleging himself to be such dependant.

(d) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (2) of section 12 ; or

(e) an order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions :

Provided that no appeal shall lie against any order unless a substantial question of law is involved in the appeal and, in the case of an order other than an order such as is referred to in clause (b), unless the amount in dispute is not less than two hundred rupees :

Provided further that no appeal shall lie in any case in which the parties have agreed to abide by the decision

of the Commissioner, or in which the order of the Commissioner gives effect to an agreement come to by the parties.

(2) The period of limitation for an appeal under this section shall be sixty days

(3) The provisions of section 5 of the Mysore Limitation Regulation, 1911, shall be applicable to appeals under this section.

30. Any amount payable by any person under this Regulation, whether under an agreement for the payment of compensation or otherwise may be recovered as an arrear of land revenue. RECOVERED

CHAPTER IV.

RULES.

31. (1) The Government may make rules to carry out the purposes of this Regulation. Power of the Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) for prescribing the intervals at which and the conditions subject to which an application for review may be made under section 6, when not accompanied by a medical certificate;

(b) for prescribing the intervals at which and the conditions subject to which a workman may be required to submit himself for medical examination under sub-section (1) of section 11.

(c) for prescribing the procedure to be followed by Commissioners in the disposal of cases under this Regulation and by the parties in such cases;

(d) for regulating the transfer of matters and cases from one Commissioner to another and the transfer of money in such cases;

(e) for prescribing the manner in which money in the hands of a Commissioner may be invested for the benefit of dependants of a deceased workman and for the transfer of money so invested from one Commissioner to another;

(f) for the representation in proceedings before Commissioners of parties who are minors or are unable to make an appearance;

(g) for prescribing the form and manner in which memoranda of agreements shall be presented and registered;

(h) for the withholding by Commissioners, whether in whole or in part, of half-monthly payments pending decision on applications for review of the same :

(i) for regulating the scales of costs which may be allowed in proceedings under this Regulation ;

(j) for prescribing and determining the amount of the fees payable in respect of any proceedings before a Commissioner under this Regulation ;

(k) for the maintenance by Commissioners of registers and records of proceedings before them.

Publication
of rules.

32. (1) The power to make rules conferred by section 31 shall be subject to the condition of the rules being made after previous publication.

(2) The date to be specified in accordance with clause (3) of section 23 of the General Clauses Regulation, 1899, as that after which a draft of rules proposed to be made under section 31 will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

(3) Rules so made shall be published in the *Official Gazette*, and on such publication, shall have effect as if enacted in this Regulation.

SCHEDULE I.

(See Section 2 (1) and (4).)

List of injuries deemed to result in permanent partial disablement.—

Injury	Percentage of loss of earning capa- city	Injury	Percentage of loss of earning capacity
Loss of right arm above or at the elbow.	70	Loss of one eye ...	30
Loss of left arm above or at the elbow.	60	Loss of thumb ...	25
Loss of right arm below the elbow.	60	Loss of all toes of one foot.	20
Loss of leg at or above the knee.	60	Loss of one phalanx of thumb.	10
Loss of left arm below the elbow.	50	Loss of index finger ...	10
Loss of leg below the knee.	50	Loss of great toe	10
Permanent total loss of hearing.	50	Loss of any finger other than index finger.	5

NOTE—Complete and permanent loss of the use of any limb or member referred to in this schedule shall be deemed to be the equivalent of the loss of that limb or member.

SCHEDULE II.

See Section 2 (1) (l) .

List of persons who, subject to the provisions of section 2 (1) (l) are included in the definition of workman.

The following persons are workmen within the meaning of Section 2 (1) and subject to the provisions of that section, that is to say, any person who is —

(i) employed in connection with the service of a tramway as defined in section 3 of the Mysore Tramways Regulation, 1906; or

(ii) employed within the meaning of clause (2) of section 2 of the Mysore Factories Regulation, 1914, in any place which is a factory within the meaning of sub-clause (a) of clause (3) of that section; or

(iii) employed in any mine which is subject to the operation of the Mysore Mines Regulation, 1906,

*Explanation :—*A person is said to be "employed" in a mine who works under appointment by or with the knowledge of the manager, whether for wages or not, in any mining operation, or in cleaning, or oiling any part of any machinery used in or about the mine, or in any other kind of work whatsoever incidental to, or connected with, mining operations.

or,

(iv) employed in the construction, repair or demolition of—

(a) a building which is designed to be, is, or has been more than one storey in height above ground level, or

(b) a building which is, has been or is designed to be, not less than twenty feet in height measured from ground level to apex of the roof, or

(c) a bridge which is, has been or is designed to be more than fifty feet in length; or

(v) employed in setting up, repairing, maintaining, or taking down any telegraph or telephone line or post or any overhead electric cable; or

(vi) employed in the construction, inspection or upkeep of any underground sewer; or

(vii) employed in the service of any fire brigade

SCHEDULE III.

(See Section 3.)

List of occupational diseases.

Occupational disease	Employment
Lead poisoning or its sequelæ ...	Any process involving the use of lead or its preparations or compounds.
Phosphorus poisoning or its sequelæ.	Any process involving the use of phosphorus or its preparations or compounds.

SCHEDULE IV

(SEE SECTION 5.)

Table of assumed wages.

Limits		Assumed wages		Limits	Assumed wages			
Where the sum arrived at by a calculation under clause (a) or clause (b) of section 5 is—				Where the sum arrived at by a calculation under clause (a) or clause (b) of section 5 is—	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Less than	9 0 0	...	8 0 0	Not less than	...	32 8 0 but less than	37 8 0	35 0 0
Not less than	9 0 0 but less than	11 0 0	10 0 0	"	...	37 8 0 "	42 8 0	40 0 0
"	11 0 0	13 0 0	12 0 0	"	...	42 8 0 "	50 0 0	46 4 0
"	13 0 0	17 8 0	15 4 0	"	...	50 0 0 "	60 0 0	55 0 0
"	17 8 0	22 8 0	20 0 0	"	...	60 0 0 "	70 0 0	65 0 0
"	22 8 0	27 8 0	25 0 0	"	...	70 0 0 "	80 0 0	75 0 0
"	27 8 0	32 8 0	30 0 0	"	...	80 0 0 "	...	83 5 4

REGULATION No. XV OF 1928.

*(Received the assent of His Highness the Maharaja
on the 9th day of July 1928.)*

**A Regulation to further amend the Mysore Registration
Regulation, I of 1903.**

Whereas it is expedient to further amend the Mysore Registration Regulation, 1903; It is hereby enacted as follows. — Short title.

1. This Regulation may be called the Mysore Registration Amendment Regulation, 1928.

2. To section 6 of the said Regulation, the following proviso shall be added, *viz.* :— Amendment
of section 6.

“Provided that the Government may, subject to such restrictions and conditions as they think fit, delegate to the Inspector-General of Registration the power of appointing Sub-Registrars.”

3. In section 11 of the said Regulation, for the words “the Government fills up the vacancy” substitute the words “the vacancy is filled up.” Amendment
of section 11.

4. (1) In the first paragraph of section 12 of the said Regulation, before the word “All” insert the words “All appointments made by the Inspector-General of Registration under section 6 and”. Amendment
of section 12.

(2) At the end of the second paragraph of section 12 of the said Regulation, add the words “and the Inspector-General of Registration may, subject to such conditions and restrictions as the Government may impose, exercise the like power in the case of Sub-Registrars appointed by him.”

5. After section 23 of the said Regulation, the following section shall be inserted, namely:—

“23 A. Notwithstanding anything to the contrary contained in this Regulation, if in any case a document requiring registration has been accepted for registration by a Registrar or Sub-Registrar from a person not duly empowered to present the same, and has been registered, any person claiming under such document, may, within four months from his first becoming aware that the registration of such document is invalid, present such document Re-Registration
of documents. —

or cause the same to be presented, in accordance with the provisions of Part VI for re-registration in the office of the Registrar of the district in which the document was originally registered; and upon the Registrar being satisfied that the document was so accepted for registration from a person not duly empowered to present the same, he shall proceed to the re-registration of the document as if it had not been previously registered, and as if such presentation for re-registration was a presentation for registration made within the time allowed therefor under Part IV, and all the provisions of this Regulation as to registration of documents, shall apply to such re-registration; and such document, if duly re-registered in accordance with the provisions of this section, shall be deemed to have been duly registered for all purposes from the date of its original registration.

Provided that within three months from the 9th day of July 1928, any person claiming under a document to which this section applies may present the same or cause the same to be presented for re-registration in accordance with this section, whatever may have been the time when he first became aware that the registration of the document was invalid."

REGULATION No. XVI OF 1928.

*(Received the assent of His Highness the Maharaja
on the 9th day of July 1928.)*

**A Regulation to consolidate and amend the law relating to motor
vehicles in Mysore.**

Whereas it is expedient to consolidate and amend the law relating to motor vehicles in Mysore; it is hereby enacted as follows :—

Preamble.

PART I.—PRELIMINARY.

1. (1) This Regulation may be called the Mysore Motor Vehicles Regulation, 1928.

Short title.

(2) It extends to the whole of Mysore.

Local extent

(3) It shall come into force on such date as the Government, by notification in the *Official Gazette*, may direct.

Commence-
ment.

2. "Motor Vehicles" includes a vehicle, carriage or other means of conveyance propelled, or which may be propelled, on a road by electrical or mechanical power either entirely or partially;

Definitions

"Prescribed" means prescribed by rules under this Regulation;

"Public place" means a road, street, way or other place, whether a thoroughfare or not to which the public are granted access or over which they have a right to pass.

PART II.—PROVISIONS OF GENERAL APPLICATION.

3. (1) No person under the age of eighteen years shall drive a motor vehicle in any public place.

Prohibition
of driving
motor
vehicles by
persons
under 18.

(2) No owner or person in charge of a motor vehicle shall allow any person under the age of eighteen years to drive the same in any public place; and in the event of a contravention of sub-section (1), the Court may presume that the motor vehicle was driven with the consent of the owner or person in charge.

4. The person in charge of a motor vehicle shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary—

Duty to stop
vehicle for
regulating
traffic and in
case of
accident.

(a) when required to do so by any police officer for the purpose of regulating traffic or of ascertaining his

name and address with a view to prosecuting such person under this Regulation or for any purpose connected with the enforcement of the provisions of this Regulation or the rules thereunder, or

(b) when required to do so by any person having charge of any animal if such person apprehends that the animal is, or will be, alarmed by the motor vehicle, or

(c) when he knows or has reason to believe that an accident has occurred to any person or to any animal or vehicle in charge of a person owing to the presence of the motor vehicle, and he shall also if so required, give his name and address and the name and address of the owner of such motor vehicle.

Reckless
driving

5. Whoever drives a motor vehicle in a public place recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the place and the amount of traffic which actually is at the time, or which might reasonably be expected to be, in the place, shall, on conviction, be punishable with fine which may extend to five hundred rupees.

PART III.—LICENSING AND CONTROL.

Licensing of
drivers.

6. No person shall drive a motor vehicle in a public place unless he is licensed in the prescribed manner, and no owner or person in charge of a motor vehicle shall allow any person who is not so licensed to drive it ;

Provided that, subject to rules made by the Government in this behalf, this section shall not apply to a person receiving instruction in driving a motor vehicle.

Transfer of
license.

7. The holder of a license shall not allow it to be used by any other person.

Production
of licenses.

8. The driver of a motor vehicle shall produce his license upon demand by any police officer.

Extent of
validity of
license to
drive.

9. Every license to drive a motor vehicle shall be valid in the whole of Mysore.

Registration
of motor
vehicles.

10. (1) The owner of every motor vehicle shall cause it to be registered in the prescribed manner.

(2) Such registration shall be valid in the whole of Mysore.

Power of
Government
to make rules.

11. (1) The Government, subject to the condition of previous publication, shall make rules for the purpose of carrying into effect the provisions of this Regulation

and of regulating, in the whole or any part of Mysore, the use of motor vehicles or any class of motor vehicles in public places.

(2) In particular, and without prejudice to the generality of the foregoing powers, the Government may make rules for all or any of the following purposes, namely: —

(a) providing for the registration of motor vehicles, and the conditions subject to which such vehicles may be registered, the fees payable in respect of and incidental to registration, the issue of certificates of registration, the notification of any changes of ownership and the duration for which certificates of registration shall be valid ;

(b) providing for facilitating the identification of motor vehicles by the assignment of distinguishing numbers to such vehicles and the displaying of number and name-plates thereon, or in any other manner ;

(c) regulating the construction and equipment of motor vehicles, including the provision and use of lights, bells, horns, brakes, speed-indicators or other appliances ;

(d) prescribing the authority by which, and the conditions subject to which, drivers of motor vehicles or any class of such drivers may be licensed, the fees payable in respect of such licenses, and the duration for which licenses shall be valid ;

(e) prescribing the authority by which and the conditions and limitations subject to which licenses may be suspended or cancelled ;

(f) prescribing the conditions subject to which and the fees (if any) on payment of which, motor vehicles may be let or plied for hire in public places, generally or in any particular public place ;

(g) prescribing the precautions to be observed when motor vehicles are standing in any public place ;

(h) limiting the speed at which motor vehicles may be driven generally or in any particular public place ;

(i) prohibiting or regulating the driving of motor vehicles in public places, where their use may, in the opinion of the Government, be attended with danger or inconvenience to the public ; and

(j) providing generally for the prevention of danger, injury or annoyance to the public or any person, or of danger or injury to property, or of obstruction to traffic.

(3) All rules made under this section shall be published in the *Official Gazette*: and on such publication, shall have effect as if enacted in this Regulation.

Posting of notices.

12. The prescribed authority shall give, in the prescribed manner, public notice of any rule, made by the Government under section 11, prohibiting or regulating the driving of motor vehicles in any public place; or limiting the speed of motor vehicles in any such place; and for the purpose of giving effect to any such rule, shall display conspicuous notices at or near the place to which the rule refers.

Powers to Government to exclude areas or motor vehicles from this Part

13. The Government may, by notification in the *Official Gazette*, exclude any area specified in such notification from the operation of this Part; and may by a like notification, exempt either generally or for a specified period any motor vehicle or class of motor vehicles from the operation of all or any of the provisions of this Part.

PART IV.—MOTOR VEHICLES TEMPORARILY LEAVING OR VISITING MYSORE.

Power of Government to make rules

14. (1) The Government may make rules for all or any of the following purposes, namely:—

(i) for the grant and authentication of any travelling passes, certificates or authorities for the use of persons temporarily taking their motor vehicles out of Mysore or to drivers of such vehicles when proceeding out of Mysore for the purpose of driving such vehicles, and

(ii) prescribing the conditions subject to which motor vehicles brought temporarily into Mysore by persons intending to make a temporary stay there may be possessed, used and driven.

(2) All rules made under this section shall be published in the *Official Gazette* and on such publication shall have effect as if enacted in this Regulation.

iving.

15. Nothing in this Regulation or in any rule made by the Government under section 11 relating to—

(a) the registration of motor vehicles,

(b) requirements as to construction, identification or equipment of such vehicles, or

(c) the licensing or qualifications of drivers of such vehicles, shall apply in the case of any motor vehicle such as is referred to in clause (ii) of sub-section (1) of section 14,

or of any person possessing, using or driving the same, provided that the requirements of any rule made under the said clause and applicable to such vehicle or person are complied with.

PART V.—MISCELLANEOUS.

16. Whoever contravenes any of the provisions of this Regulation or of any rule made thereunder shall, if no other penalty is elsewhere provided in this Regulation for such contravention, be punishable with fine which may extend to one hundred rupees, and, in the event of such person having been previously convicted of an offence under this Regulation or any rule made thereunder, with fine which may extend to two hundred rupees. Penalties.

17. No Court inferior to that of a Magistrate of the second class shall try any offence punishable under this Regulation or any rule made thereunder. Cognizance of offences.

18. (1) The Government may, in its discretion,—
 (i) cancel or suspend any license granted under this Regulation, and
 (ii) declare any person disqualified for obtaining a license under this Regulation either permanently or for such period as it thinks fit. Cancellation and suspension of license and disqualification for obtaining license.

(2) The prescribed authority may, subject to such conditions and limitations as may be prescribed, cancel or suspend any license granted under this Regulation.

(3) Any court by which any person is convicted of an offence against the provisions of this Regulation or any rule made thereunder or of any offence in connection with the driving of a motor vehicle shall, if such person holds a license under the Regulation, cause particulars of the conviction to be endorsed thereon and may, in respect of such person and of his license, if any, exercise the like powers as are conferred by sub-section (1) on the Government:

Provided that—

(a) no order by the Government under sub-section (1) or by the prescribed authority under sub-section (2) shall be passed without giving the person affected an opportunity of being heard;

(b) no order under sub-section (2) shall be in force for more than one year; and

(c) no order made by a Court under sub-section (3) shall affect any person or license for a period exceeding one year from the date of the conviction.

(4) Any Court before which the holder of a license under this Regulation is accused of any offence mentioned in sub-section (3) may suspend such license until the termination of the proceedings before it.

(5) A copy of every order of cancellation, suspension or disqualification made under this section in respect of a license or the holder of a license shall be endorsed on the license, and a copy of every endorsement in accordance with the provisions of this section, shall be sent to the authority by which such license has been granted.

(6) Every holder of a license shall, when called upon to do so, produce his license before any authority acting under this section.

(7) A person whose license has been cancelled or suspended in accordance with the provisions of this section, shall, during the period for which such order of cancellation has effect, or during the period of suspension, as the case may be, be disqualified for obtaining a license.

(8) No person whose license has been endorsed or who has been disqualified for obtaining a license shall apply for, or obtain, a license without giving particulars of such endorsement or disqualification.

Repeals.

19. The enactments mentioned in the Schedule are repealed to the extent specified in the fourth column thereof :—

Provided that any appointment, notification, order, rule, form or license made or issued under any of the said Regulations, shall, so far as it is not inconsistent with the provisions of this Regulation, continue in force and be deemed to have been issued under the provisions of this Regulation, unless and until it is superseded by any appointment, notification, order, rule, form or license made or issued under this Regulation.

SCHEDULE.

(See Section 19.)

Enactments repealed.				
	Year	No.	Short title	Extent of repeal
	1913 ...	IV	The Mysore Motor Vehicles Regulation.	The whole
	1925 ...	II	A Regulation to amend the Mysore Motor Vehicles Regulation, 1913.	Do

REGULATION NO. XVII OF 1928.

*(Received the assent of His Highness the Maharaja
on the 9th day of July 1928),*

**A Regulation further to amend the Mysore Land
Revenue Code, 1888.**

Whereas it is expedient to further amend the Mysore Land Revenue Code, 1888, for certain purposes; It is hereby enacted as follows:—

1. This Regulation may be called the Mysore Land Revenue Code (Amendment) Regulation, 1928. Short title.

2. For the full stop at the end of section 54 of the Mysore Land Revenue Code, 1888, hereinafter referred to as the said Code, a comma shall be substituted, and to the same section the following shall be added, namely:— Amendment
of section 54.

“but so as not to affect the rights of kadim tenants or permanent tenants in alienated holdings.”

3. To section 59 of the said Code, the following paragraph shall be added as the last paragraph, namely:— Addition of a
new para-
graph to
section 59.

“On the application of the holder of an alienated village or on complaint by any aggrieved person, the Deputy Commissioner may exercise in respect of any lands situated in the alienated village the powers vested in him under this section.”

4. After section 64 of the said Code, the following new section shall be inserted, namely:— Addition of
a new section
64A.

“64A. The Deputy Commissioner may also exercise the powers under section 63 and section 64 in respect of land in an alienated village on the application of the holder thereof and in the case of villages to which section 99 (d) of the said Code does not apply, also on the application of the tenant of the land.”

5. After section 66, the following new sections shall be inserted, namely:— Addition of
new sections
66A and 66B.

“66A. It shall be lawful for the Deputy Commissioner at any time to grant permission to any person to occupy unalienated unoccupied land for such purposes, for such period and on such conditions as he may, subject to rules made by Government in this behalf, prescribe, and in any such case the occupancy shall, whether a Survey Settlement has been extended to the land or not,

Deputy Com-
missioner's
power to grant
permission to
occupy land
temporarily.

be held only for the period and subject to the conditions so prescribed.

(2) Whenever any person occupying or in possession of any land granted under this section fails to comply with any of the conditions so prescribed, such person may be evicted by the Deputy Commissioner, after a summary inquiry.

Transfer of
occupancy
without
Deputy Com-
missioner's
sanction.

"66B. In any case where an occupancy is not transferable without the previous sanction of the Deputy Commissioner, and such sanction has not been granted to a transfer which has been made or which is ordered by a Civil Court or on which the Court's decree or order is founded,

(a) such occupancy shall not be liable to the process of any Court, and such transfer shall be null and void, and

(b) the Court, on receipt of a certificate under the hand and seal of the Deputy Commissioner to the effect that any such occupancy is not transferable without his previous sanction and that such sanction has not been granted, shall remove any attachment or other process placed on, or set aside any sale of, or affecting, such occupancy."

Addition of
new para-
graph to
section 79

6. After paragraph 2 of section 79 of the said Code, the following new paragraph shall be inserted, *viz* :—

"*Explanation*.—In the following cases, such a presumption shall be raised ;—

(1) Where the tenant has been recognised as a permanent tenant by the landlord or by a Court in a suit to which the landlord was a party.

(2) Where a tenant holds land in respect of which any alienation has been recognised by the landlord or by a Court in a suit to which the landlord was a party or where the alienation has not been contested by the landlord for twelve years from the date of the service of notice of alienation to the landlord :

(3) Where for the better cultivation of the holding, the tenant has made permanent improvements thereon to the knowledge of the landlord and has been in undisturbed possession of the holding continuously for twelve years thereafter : provided that the landlord has made no contribution for such improvements nor recovered enhanced rent from the tenant nor given any notice in writing to the tenant that such improvements would not create any new rights :

(4) Where, in the absence of a contract regarding the nature and duration of the tenancy, the tenant, has

established that he has been in continuous possession on payment of fixed rent for a period of twenty years or more.

7. For paragraph 2 of section 109 of the said Code, the following shall be substituted:—

Amendment
of section
109.

Exception 1.—These provisions shall not apply to survey numbers which have already been made of less extent than the minima so fixed or which may be so made under the authority of the Revenue Commissioner given either generally or in any particular instance in this behalf: and any survey number separately recognised in the survey records shall be deemed to have been authorizedly made, whatever be its extent.

Exception 2.—Survey numbers may, from time to time, and at any time be divided into so many sub-divisions as may be required in view of the acquisition of rights in land or for any other reason.

8. After section 119 of the said code, the following new section shall be inserted, namely:—

Addition of a
new section
119A

"119A. Whenever it appears to the Government that an alienated village is being grossly mismanaged during the period of the minority or of unsoundness of mind of the holder, the Government may, by notification in the *Official Gazette*, order the Deputy Commissioner or any other officer of Government to assume the management of such village temporarily on behalf of Government and may, by a like order, release the property from its management as soon as the holder ceases to be a minor or the disability has ceased or for any other reason."

Assumption
of manage-
ment of alie-
nated hold-
ings by
Government.

9. In section 135 of the said Code, between the words "Deputy Commissioner" and "to," the words "or such other authority as the Government may authorise in this behalf" shall be inserted.

Amendment
of section
135

10. After section 187 of the said Code, the following new section shall be added, namely:—

Addition of a
new section,
187 A.

"187A. Where any lawful purchaser of immovable property sold under section 161 or by the operation of section 193 is resisted or obstructed by any person in obtaining possession of the property, he may make an application together with the certificate of sale granted under section 187 to the Civil Court having jurisdiction over the property, complaining of such resistance or obstruction. Such Court shall proceed to investigate the matter as if the property were purchased by the applicant at a sale held by that Court."

Application
to Civil Court
by purchaser
resisted in
taking
possession.

Addition of a
new sub-
section to
section 210.

11. After sub-section (1) of section 210 of the said Code, the following new sub-section shall be inserted, namely:—

(1A) Where Government have issued a commission to any holder of alienated lands under section 99, an appeal shall lie from any decision or order, passed by such holder in exercise of the powers conferred upon him,

(i) to the Assistant Commissioner of the Sub-Division in which the alienated land is situate, when the holder exercises the powers of an Amildar, and

(ii) to the Deputy Commissioner of the District when the holder exercises the powers of a Deputy Commissioner.

Amendment
of section
236.

12 For paragraph 3 of section 236 of the said Code, the following shall be substituted, namely:—

“ But it shall be lawful for the Government to direct that a survey be made by a revenue officer in respect of any alienated or *kayamgutta* village, and where such survey has been made, that a settlement be introduced in that village, on the application of holders of alienated land holding in the aggregate not less than half the shares in such village or on the application of tenants holding interest in not less than half the occupied lands, subject to such rules as the Government may frame in respect of the apportionment of the cost of the survey and settlement .

Provided that, when the application is by tenants, the Revenue Commissioner shall call upon the holder of the village to show cause why settlement should not be introduced into the village, and on hearing his objections, if any, shall pass such orders as he deems fit; within three months of the date of such order an appeal may be preferred to the Government whose decision shall be final.

Addition of a
proviso to
section 237.

13. To section 237 of the said Code, the following proviso shall be added:—

“ Provided that when a Survey Settlement is introduced into an alienated or *kayamgutta* village on the application of tenants under the preceding section, the holders of lands therein, if they are tenants, other than kadim tenants, shall remain as tenants and shall not become occupants.”

NOTIFICATION.

*Order No. P. 4906—Legis. 52-36-1, dated Bangalore,
the 9th February 1937.*

Ordered that the accompanying Regulation further to amend the Mysore Agriculturists' Relief Regulation which received the assent of His Highness the Maharaja on the second day of February 1937, be published as Regulation No. II of 1937 in the *Mysore Gazette*, for general information.

M. VENKATESA IYENGAR,
*Secretary to Government,
General Department.*

REGULATION No. II OF 1937.

*(Received the assent of His Highness the Maharaja on
the second day of February 1937.)*

Regulation further to amend the Mysore Agriculturists' Relief Regulation.

Whereas it is expedient to further amend the Mysore Agriculturists' Relief Regulation, 1928; It is hereby enacted as follows :—

After Sub-section (1) of Section 4 of the Mysore Agriculturists' Relief Regulation, 1928, the following new Sub-section shall be inserted, namely—

“(1-A) Notwithstanding anything to the contrary contained in this Regulation, the question as to the status of a party as an agriculturist shall be raised at the earliest possible opportunity in suits filed after 30th April 1937.”

MIRZA M. ISMAIL,
Deewan.

REGULATION No. XVIII OF 1928.

(Received the assent of His Highness the Maharaja on the
14th day of July 1928.)

The Mysore Agriculturists' Relief Regulation.

Whereas it is expedient to relieve the agricultural classes in Mysore from indebtedness; It is hereby enacted as follows:—

Preamble.

CHAPTER I.

PRELIMINARY.

1. This Regulation may be called the Mysore Agriculturists' Relief Regulation, 1928; and it shall come into force on the first day of January 1929.

Short title.
Commence-
ment.

It extends only to such districts or parts of districts as may be notified by Government from time to time in the *Official Gazette* and Government may, by a like notification, exclude from its operation any area to which it had been extended.

Extent.

2. In construing this Regulation, unless there is something repugnant in the subject or context:—

Construction.

First.—"Agriculturist" shall be taken to mean a person who ordinarily engages in agriculture in the area to which this Regulation applies for the time being, provided that his yearly income from sources other than agriculture does not exceed Rs. 500, and that his aggregate income from all sources does not exceed Rs. 1,000.

Explanations.

(a) A person who is a female or minor member of the family of an agriculturist as above defined and who has, as such, a right either to be maintained by him or to participate in the family agricultural income shall be deemed to be an agriculturist for the purposes of this Regulation.

(b) A person otherwise coming within the definition shall not be considered to be an agriculturist in reference

whom he claims was also an agriculturist, as hereby defined, at the time when the transaction took place.

(c) A question of status raised and decided or withdrawn at any stage of the suit, or not raised at all though it could have been raised cannot be re-opened or raised after the final decree in the suit, in proceedings connected with the execution of that decree.

(d) An assignee of Government revenue or a mortgagee as such is not an agriculturist within this definition.

Second.—"Money" shall be deemed to include agricultural produce, implements and stock.

Third.—"Standing crops" shall include crops of all sorts attached to the soil, and leaves, flowers and fruits upon, and juice in, trees and shrubs.

CHAPTER II.

SCOPE OF THE REGULATION AND JURISDICTION OF COURTS.

Application
of this
Regulation.

3 The provisions of this Regulation shall apply to—

(i) suits in which the defendant or any one of the defendants is an agriculturist for the recovery of money alleged to be due to the plaintiff—

on account of money lent or advanced to or paid for, the defendant, or

as the price of goods sold, or

on an account stated between the plaintiff and the defendant, or

on a written or unwritten engagement for the payment of money not hereinbefore provided for;

(ii) suits in which the defendant or any one of the defendants is an agriculturist for the recovery of money due on contracts other than the above and suits for rent in cases where the defendant, having sold or mortgaged a land, has taken it on lease from the vendee or the mortgagee;

(iii) suits for foreclosure or for the possession of mortgaged property, or for sale of such property, or for foreclosure and sale, when the defendant, or any one of the defendants, is an agriculturist; and

(iv) suits for the redemption of mortgaged property when the plaintiff, or, where there are several plaintiffs, any one of the plaintiffs, is an agriculturist.

4. (1) When in any suit under section 3 a question is raised as to the status of a party as an agriculturist, the Court shall try that question as a preliminary issue and record its finding thereon.

No appeal from finding on the issue of status.

(2) Notwithstanding anything to the contrary contained in this Regulation or in the Code of Civil Procedure, 1911, the finding of the Court of first instance on the issue of status shall be final and its correctness shall not be called in question in any appeal from the decree in the suit; Provided that the Chief Court may, for the purpose of satisfying itself as to the legality or propriety of the said finding or the regularity of the proceedings, call for the records and pass such order with respect thereto as it thinks fit.

5. Whenever it is alleged at any stage of any suit or proceeding to which an agriculturist is a party that any transaction in issue entered into, at any time within a period of six years before this Regulation is extended to the local area concerned, by such agriculturist or the person, if any, through whom he claims was a transaction of such a nature that the rights and liabilities of the parties thereunder are triable wholly or in part under this Chapter, the Court shall, notwithstanding anything contained in section 92 of the Indian Evidence Act, 1872, or in any other law for the time being in force, have power to inquire into and determine the real nature of such transaction and decide such suit or proceeding in accordance with such determination and shall be at liberty, notwithstanding anything contained in any law as aforesaid, to admit evidence of any oral agreement or statement with a view to such determination and decision;

Power of Court to determine nature of transactions and to admit evidence of an oral agreement or statement.

Provided that such agriculturist or the person, if any, through whom he claims was an agriculturist at the time of such transaction;

Provided also that, notwithstanding anything contained in the Code of Civil Procedure or any other law for the time being in force, a suit for a mere declaration only of the real nature of the transaction shall lie, and that such declaration shall not affect the right to bring a subsequent suit for consequential relief in reference to such transaction.

Illustrations.

(a) A landlord sues for possession of land leased by him to an agriculturist. The defendant alleges that

he mortgaged the land with possession to the lessor, who is entitled to its possession only as such mortgagee and not as owner, and asks that he may be allowed to redeem the mortgage without being ejected. The Court may admit evidence on this allegation, and, if satisfied that it is correct, may decline to eject the defendant as tenant, and allow the suit to be converted into one for redemption of the mortgaged property.

(b) An agriculturist sues to redeem property alleged to have been mortgaged by a deed in the form of a lease. The Court may admit evidence of the intention of the parties outside the deed in order to determine whether the transaction was a mortgage or a lease, and if satisfied that the transaction was a mortgage may enforce the deed as a mortgage-deed.

(c) A money-lender sues to enforce a sale deed entered into by an agriculturist. It is alleged that there was a contemporaneous oral agreement that the transaction should be deemed to be a mortgage. The Court may admit evidence of such oral agreement, and if satisfied of the existence of the agreement may decline to enforce the deed as a sale deed.

(d) An agriculturist sues to redeem property alleged to have been mortgaged by a deed in the form of a sale. The Court may admit evidence of the intention of the parties outside the deed in order to determine whether the transaction was a mortgage or a sale, and if satisfied that the transaction was a mortgage may enforce the deed as a mortgage-deed.

Agriculturists
to be sued
where they
reside.

6. Every suit of the description mentioned in section 3 shall, if the defendant, or, where there are several defendants, any one of such defendants, is an agriculturist, be instituted and tried in a Court within the local limits of whose jurisdiction such defendant resides.

Provided that nothing herein contained shall affect the provisions of sections 22 to 24 of the Code of Civil Procedure, 1911.

Explanation.—An agriculturist shall be deemed to reside in the place where he ordinarily engages in agriculture.

Examination
of plaintiff
and defen-
dant.

7. In any suit of the description mentioned in section 3 the Court shall examine both the plaintiff and the defendant unless, for reasons to be recorded by it in writing, it deems it unnecessary or impossible to do so.

8. (1) If the amount of the creditor's claim is disputed, it shall inquire as far as possible into the history and merits of the case out of which the suit has arisen from the commencement of the transactions between the parties or the persons, if any, through whom they claim.

Power of Court to enquire into history of transactions.

(2) When the Court inquires into the history and merits of a case under sub-section (1) it shall,—

notwithstanding any agreement between the parties or the persons (if any) through whom they claim, as to allowing compound interest or setting off the profits of mortgaged property without an account in lieu of interest, or otherwise determining the manner of taking the account,

and notwithstanding any statement or settlement of account or any contract purporting to close previous dealings and create a new obligation,

open the account between the parties from the commencement of the transactions and take that account according to the following rules (that is to say):—

(a) separate accounts of principal and interest shall be taken;

(b) in the account of principal there shall be debited to the debtor such money as may from time to time have been actually received by him or on his account from the creditor, and the price of goods, if any, sold to him by the creditor as part of the transactions;

(c) in the account of principal there shall not be debited to the debtor, any accumulated interest which has been converted into principal at any statement or settlement of account or by any contract made in the course of the transactions, unless the Court, for reasons to be recorded by it in writing, deems such debit to be reasonable;

(d) in the account of interest there shall be debited to the debtor monthly, simple interest on the balance of principal for the time being outstanding, at the rate allowed by the Court as hereinafter provided;

(e) all money paid by or on account of the debtor to the creditor or on his account and all profits, service or other advantages of every description, received by the creditor in the course of the transactions (estimated, if necessary, at such money value as the Court in its discretion may determine) shall be credited first in the account of interest, and when any payment is more than sufficient

to discharge the balance of interest due at the time it is made, the residue of such payments shall be credited to the debtor in the account of principal ;

(f) the accounts of principal and interest shall be made up to the date of instituting the suit, and the aggregate of the balances (if any) appearing due on both such accounts against the debtor on that date shall be deemed to be the amount due at that date, except when the balance appearing due on the interest account exceeds that appearing due on the principal account, in which case double the latter balance shall be deemed to be the amount then due.

To enable the Court to make this inquiry the creditor shall produce accounts, kept in the manner hereinafter prescribed, which shall record all transactions between himself and the debtor that shall have taken place subsequent to the extension of this Regulation. With reference to transactions, if any, which took place prior to the extension of this Regulation, he shall submit with the plaint a statement of account between himself and the debtor showing, to the best of his knowledge and belief, the advances made, the repayments admitted and how the sum claimed is arrived at.

(3) Nothing contained in this section shall be deemed to empower the Court as the result of an investigation hereunder to grant relief by way of refund to an agriculturist, whether as plaintiff or as defendant, of any amount to which he is not otherwise entitled under any law for the time being in force.

9. Where the mortgaged property is in the possession of the mortgagee or his tenants other than the mortgagor, and the Court is unable to determine what profits have been actually received, it may fix a fair rent for such property and charge to the mortgagee such rent as profits for the purpose of section 8.

Provided that, if it be proved that in any year there was an entire or serious failure of the crops, an abatement of the whole or part of such rent may be allowed for the year.

10. In a suit of the description mentioned in section 3, clause (iv) the Court may, in its discretion, pass a decree for redemption though the time fixed for the payment of the principal of the mortgage money has not arrived, or though the mortgage debt has not been completely discharged.

In certain cases rent may be charged in lieu of profits

Mortgagor entitled to redemption decree though time fixed by mortgage has not arrived or debt has not been discharged.

11. (1) The Court may, in its discretion, in passing a decree for redemption, foreclosure or sale in any suit under this Regulation or in the course of any proceedings under a decree for redemption, foreclosure or sale passed in any such suit, whether before or after this Regulation comes into force, direct that any amount payable by the mortgagor under that decree shall be payable in such instalments, on such dates and on such terms as to the payment of interest, and where the mortgagee is in possession as to the appropriation of the profits and accounting therefor, as it thinks fit.

Power to order payment by instalments in case of decree for redemption, foreclosure or sale

Where the Court decides that an amount due by a mortgagor should be paid in instalments, it shall fix such instalments as may seem equitable. It shall further allow future interest at a moderate rate unless, for reasons to be recorded in writing, it deems it unnecessary to do so. Instalments shall not extend over a period exceeding eight years unless the Court thinks necessary for reasons to be stated in writing.

(2) In passing a decree for redemption or foreclosure in any such suit as aforesaid, the Court may direct that the amount payable by the mortgagor shall be discharged by continuing the mortgagee in possession for such further period as will enable him to recover his principal with reasonable interest, and that on the expiry of such period the property mortgaged shall be restored to the mortgagor.

Power to continue the mortgagee in possession

(3) When the amount payable to a mortgagee in possession has been determined in any such suit as aforesaid, the Court may, in its discretion, instead of making an order for payment thereof, direct that the mortgagee be continued in possession for such period (to be specified by the Court) as will in the opinion of the Court be sufficient to enable him to recover from the profit the amount payable by the mortgagor together with reasonable interest, and that on the expiry of such period the property mortgaged shall be restored to the mortgagor.

12. The Court may at any time direct that the amount of any decree passed, whether before or after this Regulation comes into force, against an agriculturist, shall be paid by instalments with or without interest.

Power to fix instalments in execution.

Where such an order is passed, the Court shall fix such instalments as it may consider equitable, and shall allow future interest at a moderate rate, unless for reasons to be recorded in writing it deems it unnecessary to do so.

Instalments shall not extend over a period exceeding eight years unless the Court thinks necessary for reasons to be recorded in writing.

Agriculturist
exempted
from arrest
and imprison-
ment in
execution
of decree
for money.

13. No agriculturist shall be arrested or imprisoned in execution of a decree for money, passed whether before or after this Regulation comes into force.

Immovable
property
exempted
from attach-
ment and
sale unless
specifically
mortgaged.

14. No immovable property belonging to an agriculturist shall be attached or sold in execution of any decree or order passed after this Regulation comes into force, unless it has been specifically mortgaged for the payment of the debt to which such decree or order relates, and the security still subsists. For the purposes of any such attachment or sale as aforesaid standing crops shall be deemed to be movable property.

Setting aside
of sale by
Deputy Com-
missioner.

15. (1) When any immovable property belonging to an agriculturist has been sold by public auction, under the provisions of the Third Schedule of the Code of Civil Procedure, 1911, the sale may, on the application of the decree-holder or the judgment-debtor or any other person whose interests are affected by the sale, accompanied by a deposit of a sum equal to five per centum of the purchase money, within thirty days from the date of the auction, be set aside by the Deputy Commissioner, if he considers the price bid by the purchaser to be inadequate.

(2) When the sale is so set aside, the purchaser shall be entitled to receive back his purchase money together with the deposit made under sub-section 1 and the Deputy Commissioner may re-sell the property by public auction or private contract, as he thinks fit. Every such re-sale shall be deemed to be a sale under the provisions of the Third Schedule of the Code of Civil Procedure.

CHAPTER III.

OF RECEIPTS AND STATEMENTS OF ACCOUNTS.

Agricul-
turists
entitled to
written
receipts.

16. The person to whom any agriculturist makes any payment of money in liquidation of a debt shall, at the time of such payment, tender to such agriculturist, whether he demand the same or not, written receipt for the amount of such payment.

To annual
statement of
accounts.

17. Any agriculturist by whom any amount is due under any instrument shall, on such date in each year as

the Government, having regard to local custom, may from time to time, by notification in the *Official Gazette*, fix, be entitled to receive on demand, from the person claiming under such instrument, a statement, up to that date of his account under such instrument.

18. Any agriculturist in whose name an account is kept by any trader or money lender, shall be entitled to receive from such trader or money lender, on demand, a pass book and to require from time to time, that his account up to date be written therein and authenticated by the signature or mark of the said trader or money lender.

To have account made up from time to time in a pass book

An entry so made in any such pass book for any payment made to the trader or money lender shall be deemed to be equivalent, for the purposes of section 16 to the grant of a receipt for the amount so entered.

No person whose account has been written in a pass book as required by this section shall be entitled also to demand an account under section 17.

19. (1) Every money-lender having dealings with an agriculturist shall keep an account of all transactions taking place between himself and such agriculturist.

Accounts to be produced with plaint

(2) Subject to the provisions of the Code of Civil Procedure, 1911, no suit under this Regulation against an agriculturist shall be proceeded with unless the account kept under sub-section (1), together with an extract of the entries therein on which the plaintiff relies and, in respect of transactions if any, prior to the date on which this Regulation is extended to the local area concerned, a duly verified statement of account relating to such transactions are produced when the Court so directs: Provided that the Court may for adequate reasons to be recorded in writing dispense with the production of such documents with the plaint.

CHAPTER IV.

MISCELLANEOUS.

20. No mortgage, lien or charge of or upon any immovable property belonging to an agriculturist shall be valid unless it is created by an instrument in writing under the hand of the person creating such mortgage, lien or charge.

Mortgages, etc. to be valid only when written.

Nothing in this section shall apply to any mortgage, lien or charge, created by mere operation of law, or in

favour of the Government or of any officer of the Government in his official capacity.

Recognition
of payments
not certified
or recorded.

21. Payments or adjustments in whole or in part made out of Court in satisfaction of any decree passed under this Regulation shall be recognised by the Court executing the decree, though not certified to or recorded by the said Court in accordance with the provisions of the Code of Civil Procedure.

Rate of
interest
allowable on
taking an
account.

22. In taking an account under section 8 or in any suit under this Regulation where interest is chargeable, such interest shall be awarded at the following rates:—

(a) the rate, if any, agreed upon between the parties, or the persons (if any) through whom they claim, unless such rate is deemed by the Court to be unreasonable; or

(b) if such rate is deemed by the Court unreasonable, or if no rate was agreed upon, or when any agreement between the parties or the person (if any) through whom they claim, to set off profits against interest and assessment and similar charges without an account has been set aside by the Court, such rate as the Court may deem equitable, taking into consideration the nature of the security, if any, and the normal rate of interest prevailing in the locality.

Suits to be
tried as
original suits.
Limitation.

23. Every suit under this Regulation shall be tried as an original suit.

24. In any suit of the description mentioned in section 3, clause (i), for the recovery of money from a person who at the time when the transaction took place was an agriculturist, in any of the areas notified under the second paragraph of section 1, the following periods of limitation shall be deemed to be substituted for those prescribed in the second column of the Second Schedule annexed to the Mysore Limitation Regulation, that is to say:—

(a) when such suit is founded on a written instrument registered under any law in force at the date of execution of such instrument,—twelve years,

(b) in any other case,—six years;

Provided that nothing in this section shall—

(i) apply to a suit for the recovery of money from a person who is a surety merely of the principal debtor if the principal was not at the time when the transaction took place an agriculturist in any of the areas aforesaid, or

(ii) revive the right to bring any suit which would have been barred by limitation if it had been instituted immediately before this Regulation comes into force.

25. Except in so far as it is inconsistent with this Regulation, the Code of Civil Procedure shall apply in all suits and proceedings under this Regulation. Civil Procedure Code to apply

26. The provisions of this Regulation shall apply to all suits mentioned in section 3 instituted on or after the 1st day of January 1926 and pending in any Court of first instance on the date on which this Regulation is extended to the local area concerned : Regulation to apply to pending suits.

Provided that if the Court in which such suits are pending is not competent under this Regulation to try them, they shall be transferred to and tried by the Court competent to try them under this Regulation.

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